

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ATHENA E. TIMMS,

Plaintiff,

vs.

Case No. 16-cv-1056

AMAZON, INC.

Defendant.

DEPOSITION OF: MS. ATHENA E. TIMMS

TAKEN AT: LITTLER MENDELSON, P.C.

LOCATED AT: 111 East Kilbourn Avenue, Suite 1000

Milwaukee, Wisconsin

February 17, 2017

10:00 a.m. to 4:33 p.m.

REPORTED BY: VICKY L. ST. GEORGE, RMR.

JOB NO. 2539792

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<p style="text-align: right;">Page 6</p> <p>1 TRANSCRIPT OF PROCEEDINGS 2 MS. ATHENA E. TIMMS called as a witness 3 herein, after having been first duly sworn on oath, 4 was examined and testified as follows: 5 EXAMINATION 6 BY MS. FITZKE:</p> <p>7 Q. Ms. Timms, my name is Susan Fitzke. We met briefly 8 off the record before we got going here this morning. 9 I'm an attorney for Amazon that's been retained to 10 represent the company in conjunction with the lawsuit 11 that you filed here in Wisconsin. And we've asked 12 you to come down here today and give a deposition in 13 conjunction with your case. Do you understand that?</p> <p>14 A. That's of my testimony or my explanation of the -- 15 why I'm suing?</p> <p>16 Q. Correct. So I'm going to guess you've never given a 17 deposition before?</p> <p>18 A. No, I haven't. This is my first time suing.</p> <p>19 Q. So let me give you just a little bit of information 20 about the process that we're going to follow here 21 today.</p> <p>22 A. Okay.</p> <p>23 Q. You might have noticed before we got started the 24 court reporter swore you in and administered an oath 25 to you. That's the same oath that you might be given</p>	<p style="text-align: right;">Page 8</p> <p>1 A. Okay. 2 Q. So I need you to wait for me to finish my full 3 question before you start answering, and I'll do the 4 same for you with respect to your answers, okay? 5 A. All right, okay. 6 Q. And even some of the okays that you're acknowledging 7 that you're understanding me while I'm talking, that 8 interrupts the court reporter. So I don't want you 9 to focus too much on that. I would rather have you 10 focus on my questions. But if you're mindful of that 11 and can try to wait for the full question, that's 12 going to help make sure the court reporter gets 13 everything we say, especially since I'm a little bit 14 of a fast talker. So I'll try to slow down too, 15 okay? 16 A. All right. 17 Q. It's also important to me that you understand my 18 questions before you answer them. I'm not here to 19 trick you. I don't want to confuse you. I want to 20 make sure that I get your best evidence and 21 information in response to my questions. So if you 22 find any of my questions confusing or you're not sure 23 what I'm asking, please let me know that, and I'll 24 try to rephrase it in a way that might make better 25 sense to you, okay?</p>
<p style="text-align: right;">Page 7</p> <p>1 in a court of law and it has the same effect in terms 2 of requiring truthful testimony. And if you are 3 untruthful, the same consequences could apply as 4 could apply in a court of law. Do you understand 5 that? 6 A. Yes, I do. 7 Q. And we're going to be here for a few hours today. 8 A. Okay. 9 Q. And depending on how it goes, maybe a little longer. 10 But we'll move through things as efficiently as we 11 can. 12 A. Okay. 13 Q. But if you find that you need any breaks in the day 14 before I've indicated it's time to break, just let me 15 know. And as long as you've answered whatever 16 question is in front of you, I'll be happy to 17 accommodate you, okay? 18 A. Okay. 19 Q. It's also -- you can see the court reporter, she's 20 going to get down everything that you and I say here 21 today. 22 A. Okay. 23 Q. To do that, she's got to type fast to keep up, and it 24 also means she can only take down one of us at a 25 time.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. All right. 2 Q. One more thing we need to do to help our court 3 reporter here is that when we're in normal 4 conversation and in the same room face-to-face like 5 we are, we can say things like um-hum and uh-uh or 6 shake our head and we're going to understand one 7 another. But when we try to read that back later on 8 in the transcript, it's not going to make any sense 9 at all. So I would ask that you answer with a yes or 10 no or whatever other verbal answer might be 11 appropriate to my questions, okay? 12 A. All right. 13 Q. Because we do want to make sure that your testimony 14 is captured and that we don't have any problem 15 understanding it later, all right? 16 A. Yes. 17 Q. You're here by yourself today, and you have been 18 representing yourself in conjunction with this 19 litigation. And I just want to confirm before we get 20 going here that you are not currently represented by 21 an attorney; is that right? 22 A. Yes. 23 Q. Did you do anything to prepare for your deposition? 24 A. No, I did not. Well, I just -- I went to -- I been 25 going to counseling to a tutor to ask questions in</p>

<p style="text-align: right;">Page 10</p> <p>1 terms of my case. But that's it.</p> <p>2 Q. Who -- from whom are you receiving this counseling or</p> <p>3 tutoring?</p> <p>4 A. Marquette University law students, volunteers.</p> <p>5 Q. So you have obtained some advice from a law student</p> <p>6 clinic; is that right?</p> <p>7 A. It's held at the -- their office is held at the state</p> <p>8 city court here in Milwaukee. They have volunteers</p> <p>9 that are retiring attorneys and graduated and</p> <p>10 undergrad Marquette University students.</p> <p>11 Q. So you've received some advice from them, but they</p> <p>12 have not undertaken your legal representation; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. Did you review any documents in order to prepare for</p> <p>16 your deposition today?</p> <p>17 A. Yes, I did. All my documents are at home.</p> <p>18 Q. But you did review them in order to prepare for</p> <p>19 today?</p> <p>20 A. Yeah, sort of studied and read and things that -- of</p> <p>21 the nature of the court, the last court telephone</p> <p>22 conference I had with the judge and Mr. Kurlinski.</p> <p>23 Q. And so the documents you're talking about are the</p> <p>24 same documents that you've sent to Mr. Kurlinski in</p> <p>25 conjunction with the case?</p>	<p style="text-align: right;">Page 12</p> <p>1 A. No, I didn't. I went to high school in -- it was</p> <p>2 first in Nauvoo, Illinois but it's now Rhode Island</p> <p>3 Illinois. My high school that I graduated from, they</p> <p>4 relocated to Rhode Island.</p> <p>5 Q. And what year did you graduate high school?</p> <p>6 A. 1987.</p> <p>7 Q. Did you after graduating high school obtain or attend</p> <p>8 any post-secondary education at college, community</p> <p>9 college, trade school, anything like that?</p> <p>10 A. Yes, I have. I went to Harold Washington College</p> <p>11 right after.</p> <p>12 Q. Which college?</p> <p>13 A. I'm sorry, Harold Washington College. It's spelled</p> <p>14 like the late mayor of Chicago, Harold Washington</p> <p>15 College. And then I went to Marquette University for</p> <p>16 a short time after I came here and UWM after moving.</p> <p>17 Then --</p> <p>18 Q. UWM, that's University of Wisconsin Madison?</p> <p>19 A. I'm sorry, University Wisconsin Milwaukee. Then I</p> <p>20 went to MATC. Off and on I went to MATC some years</p> <p>21 throughout me living still here in Wisconsin,</p> <p>22 Milwaukee, Wisconsin.</p> <p>23 Q. So did you -- you said you graduated high school in</p> <p>24 1987. Did you start at Harold Washington College in</p> <p>25 1987 in that fall?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. And to the judge, yes.</p> <p>2 Q. And other than this pro bono or free clinic that you</p> <p>3 mentioned, have you spoken to anybody else about your</p> <p>4 deposition here today?</p> <p>5 A. No, I haven't.</p> <p>6 Q. Did you review any documents to prepare for your case</p> <p>7 that were different or in addition to the documents</p> <p>8 you provided to Mr. Kurlinski and the Court?</p> <p>9 A. No, I haven't.</p> <p>10 Q. Have you ever gone by any other name other than</p> <p>11 Athena Timms?</p> <p>12 A. My full name is Athena E. Timms. No.</p> <p>13 Q. And the E is Elaine?</p> <p>14 A. Elaine.</p> <p>15 Q. Stands for Elaine?</p> <p>16 A. Um-hum.</p> <p>17 Q. Can you give me just a little bit of information</p> <p>18 about like where were you born and raised?</p> <p>19 A. I was born in Chicago, Illinois, raised in Chicago,</p> <p>20 Illinois and moved here because there is more -- my</p> <p>21 parents are here and my relatives are here later on</p> <p>22 in my adult life, early adult life.</p> <p>23 Q. How old were you when you came to Milwaukee?</p> <p>24 A. I was 22 years old.</p> <p>25 Q. Did you go to high school in Chicago?</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Right away, yes. And then I took a break in between</p> <p>2 years and then went back and got a degree, an</p> <p>3 associates in applied sciences at Harold Washington</p> <p>4 College.</p> <p>5 Q. What year did you obtain your associate degree from</p> <p>6 Harold Washington?</p> <p>7 A. I bought -- I paid for everything in 1981, but my</p> <p>8 graduation was in 1992. And that's the same year I</p> <p>9 moved here to Milwaukee, Wisconsin.</p> <p>10 Q. Okay. So were you attending Harold Washington</p> <p>11 College on a full time basis in 1987 into '88 and</p> <p>12 then took some time off or were you part-time? How</p> <p>13 did you complete that program?</p> <p>14 A. It was full time, then part-time because I was in</p> <p>15 between -- I was doing in-between jobs out in Chicago</p> <p>16 of temp agency jobs and jobs that were like home</p> <p>17 style like maid service or -- for somebody or mow</p> <p>18 their lawn or shovel their snow, clean their house up</p> <p>19 or something, or babysit for them. And then I did</p> <p>20 some work for my parents to help reimburse the</p> <p>21 tuition off and on. So, yeah, it was like part-time,</p> <p>22 then full time, then I took a break, then part-time,</p> <p>23 then full time.</p> <p>24 Q. And then when you came to Milwaukee you mentioned</p> <p>25 that you started at Marquette. Did you start there</p>

<p>1 then right in 1992?</p> <p>2 A. Yes, I did.</p> <p>3 Q. And how long did you attend Marquette University?</p> <p>4 A. For a short time, until about 1994 I think or was it</p> <p>5 '5. It might have been 1995. I'm sorry, 1995.</p> <p>6 Q. Did you obtain a degree from Marquette?</p> <p>7 A. No, I did not.</p> <p>8 Q. Were you seeking a degree?</p> <p>9 A. Yes, I was.</p> <p>10 Q. And what were you going to school for? What kind of</p> <p>11 degree were you hoping to obtain?</p> <p>12 A. Pre-engineering. I was accepted into the</p> <p>13 pre-engineering department.</p> <p>14 Q. Why did you leave Marquette?</p> <p>15 A. Because of -- I could not meet the academic</p> <p>16 availability requirement, that's why. So I dropped.</p> <p>17 Q. Was that based on your GPA?</p> <p>18 A. Yes, so the school dropped me.</p> <p>19 Q. What did the program require in terms of a GPA to</p> <p>20 continue?</p> <p>21 A. You needed to keep -- maintain at least a 2.8, and</p> <p>22 that's about it.</p> <p>23 Q. Do you know what your GPA was at the time?</p> <p>24 A. No, I really don't at this time. But it was a little</p> <p>25 over 2.0, 2.0.</p>	<p>Page 14</p> <p>1 Q. So you got dropped from the programs at both UW</p> <p>2 Milwaukee and at Marquette because of the GPA</p> <p>3 requirements?</p> <p>4 A. Um-hum, yes.</p> <p>5 Q. Gotcha. And then you said you've gone to MATC off</p> <p>6 and on?</p> <p>7 A. Yes, I did.</p> <p>8 Q. When did you first start taking classes at MATC?</p> <p>9 A. It was in year 2000. I was working at QuadGraphics</p> <p>10 at the time, and then I thought well, maybe I'll take</p> <p>11 some -- I'll take some college courses, one or two in</p> <p>12 a printing press degree program but to just go as a</p> <p>13 non-degree status student. And that's it.</p> <p>14 Q. So from MATC you weren't seeking any kind of degree,</p> <p>15 you were just furthering your education?</p> <p>16 A. Yeah, taking college courses.</p> <p>17 Q. And did you -- did I hear you correctly that you took</p> <p>18 one or two classes from them or were there others?</p> <p>19 A. There were others. After that I took a break from</p> <p>20 MATC. Then between that time I was applying for jobs</p> <p>21 and working at jobs. And then I went back to MATC.</p> <p>22 And again, I -- partially some of the money I saved</p> <p>23 from some of my previous jobs I just, you know, paid</p> <p>24 for tuition. And again my mother, I did some work</p> <p>25 for my mother to reimburse her for tuition. And that</p>
<p>1 Q. And then when you left Marquette, you said in '95</p> <p>2 roughly?</p> <p>3 A. Yes.</p> <p>4 Q. It's not a memory test so you don't have to be exact,</p> <p>5 but --</p> <p>6 A. Well, sort of because I was on financial aid and</p> <p>7 scholarships and stuff, and I put myself really</p> <p>8 through Marquette.</p> <p>9 Q. And then when did you go to UW Milwaukee?</p> <p>10 A. I went right after -- right when I moved here. So</p> <p>11 basically it was '92 to '93 -- I'm sorry, 1993 I was</p> <p>12 at UWM because I was doing work for my mother in</p> <p>13 exchange of tuition payment. And then in '93 to '95</p> <p>14 basically, that's what it was, '93 to '95 was when I</p> <p>15 was in Marquette.</p> <p>16 Q. That makes sense. Okay.</p> <p>17 A. Yeah.</p> <p>18 Q. And were you seeking any kind of a degree from UW</p> <p>19 Milwaukee?</p> <p>20 A. Yes, I was also accepted in the College of</p> <p>21 Engineering.</p> <p>22 Q. And why did you transfer?</p> <p>23 A. I didn't transfer my credits. They dropped me from</p> <p>24 school again because my GPA was -- didn't meet the</p> <p>25 requirement to stay in there.</p>	<p>Page 15</p> <p>1 was it.</p> <p>2 And then I was in -- the last time I went</p> <p>3 it was the year 2000 and -- let me think. I think it</p> <p>4 was 2011 I think, somewhere in there, 2011, beginning</p> <p>5 of this decade. But I only stayed for only two</p> <p>6 semesters. But it was in the surgical tech program.</p> <p>7 I was accepted in surgical tech degree program.</p> <p>8 Q. And why did you not continue with that?</p> <p>9 A. Because I did not have enough money to go back.</p> <p>10 Q. And what other areas, in which other areas did you</p> <p>11 take classes from MATC over time from 2000 to 2011?</p> <p>12 A. That's about it.</p> <p>13 Q. Okay. Have you gone to any other college or had any</p> <p>14 other kind of post high school education or training?</p> <p>15 A. No.</p> <p>16 Q. Where do you currently live?</p> <p>17 A. I live at 2470 North 44th Street, Milwaukee,</p> <p>18 Wisconsin 53210.</p> <p>19 Q. How long have you lived there?</p> <p>20 A. I lived there for about -- since year 1992, since I</p> <p>21 moved here.</p> <p>22 Q. Who lives at that address with you, if anyone?</p> <p>23 A. Just -- it's just my parents' estate, but it's --</p> <p>24 it's like self okay because under the table I give</p> <p>25 them money to live there.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. To your parents?</p> <p>2 A. Yeah, um-hum. But that's their building, you know.</p> <p>3 It's a house complex, but it has two addresses. So</p> <p>4 sometimes when I came here to live here in Milwaukee,</p> <p>5 I also used their address for certain things which is</p> <p>6 2468 North 44th Street. So it's really the same</p> <p>7 place.</p> <p>8 Q. Do your parents live in the other half of that</p> <p>9 duplex?</p> <p>10 A. Yes.</p> <p>11 Q. And they currently live there still?</p> <p>12 A. Yes.</p> <p>13 Q. And does anybody live with you in your unit</p> <p>14 currently?</p> <p>15 A. No.</p> <p>16 Q. How much do you pay your parents in rent?</p> <p>17 A. Off and on when I have the money they help me out.</p> <p>18 And it's an IOU, and they let me do that. But when I</p> <p>19 do pay rent, it's anywhere between \$100 to \$200 every</p> <p>20 other week, in between \$100 to \$200.</p> <p>21 Q. Are you currently paying rent?</p> <p>22 A. No. Now it's an IOU because I'm in between jobs.</p> <p>23 I'm still looking for work.</p> <p>24 Q. Do your parents still keep a record of the IOU?</p> <p>25 A. No, they really don't.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Were you honorably discharged from that service?</p> <p>2 A. Yes, I was, due to academics they say. So that's</p> <p>3 why. Because you got to take a test for them every</p> <p>4 year, and for some reasons my scores was a little low</p> <p>5 in the last quarter, however they go, every three</p> <p>6 months or six months.</p> <p>7 Q. Have you ever been diagnosed with any kind of</p> <p>8 learning disability?</p> <p>9 A. No, I haven't.</p> <p>10 Q. Is that something that you've ever been evaluated for</p> <p>11 to your knowledge?</p> <p>12 A. I did for a little while. That's when I was in</p> <p>13 Harold Washington College in Chicago. But I was sort</p> <p>14 of okay. It was like all right of my academics while</p> <p>15 some things I was lacking of reading or whatever.</p> <p>16 But I always had a tutor. And other than that it</p> <p>17 wasn't so, you know -- I didn't have a big problem.</p> <p>18 Q. Okay. So do you know whether you've ever</p> <p>19 participated in an evaluation with an educational or</p> <p>20 medical professional to try to determine if you have</p> <p>21 a diagnosable condition in terms of learning</p> <p>22 disability or something?</p> <p>23 A. Not a learning disability.</p> <p>24 Q. Do you have other diagnosed mental health conditions?</p> <p>25 A. I have been going to a doctor, and I will soon be</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Do you?</p> <p>2 A. No, I really don't.</p> <p>3 Q. It's great to have supportive parents.</p> <p>4 A. Yes, it is. I'm blessed.</p> <p>5 Q. And your parents own that property?</p> <p>6 A. Yes, they do. I don't know which one. I have a</p> <p>7 stepfather and a mother, biological mother. I don't</p> <p>8 know which one that really owns it. But as far as I</p> <p>9 know from what they told me, and I ask questions,</p> <p>10 it's a joint ownership so both of them.</p> <p>11 Q. Are you married, Ms. Timms?</p> <p>12 A. No, I'm not. I'm single.</p> <p>13 Q. Have you ever been married?</p> <p>14 A. No, I haven't.</p> <p>15 Q. Do you have any children?</p> <p>16 A. No, I don't.</p> <p>17 Q. Is there anyone for whom you are responsible for</p> <p>18 their financial upkeep, if you will?</p> <p>19 A. No, not at this time.</p> <p>20 Q. Have you ever served in the US military?</p> <p>21 A. Yes, I have.</p> <p>22 Q. And when was that?</p> <p>23 A. When I was in between jobs, it was the year 2003 to</p> <p>24 year 2005 I was in the -- here in Milwaukee, US Navy</p> <p>25 Reserves.</p>	<p style="text-align: right;">Page 21</p> <p>1 going to get analysis, starting to get analysis. I</p> <p>2 haven't been getting analysis, but I've been going to</p> <p>3 the doctor to talk about emotional distress and on</p> <p>4 the job, and that was the past two years. But that's</p> <p>5 only after I'd been working at Amazon. But I'm on</p> <p>6 sort of medication for emotional distress, they put</p> <p>7 me on, my doctor put me on.</p> <p>8 Q. What medication is that?</p> <p>9 A. Zoloft.</p> <p>10 Q. Do you know what your dose is?</p> <p>11 A. I don't know right off the bat.</p> <p>12 Q. Is that your doctor at Pro Care?</p> <p>13 A. Yeah. That's one of my doctors at Pro Care.</p> <p>14 Q. Okay.</p> <p>15 A. I have another one.</p> <p>16 Q. Is Pro Care the only clinic with which you have</p> <p>17 treated for your claimed emotional distress as a</p> <p>18 result of the case?</p> <p>19 A. Yes, because I don't have money for regular health</p> <p>20 care, so I have to depend on Food Share service</p> <p>21 health care which is Medicaid. And Medicaid provides</p> <p>22 for -- and plus one of my doctors I have to see for</p> <p>23 -- my blood pressure been going up, and it's been</p> <p>24 going up off -- even before I went to -- worked at</p> <p>25 Amazon.</p>

<p style="text-align: right;">Page 22</p> <p>1 But I monitor my blood pressure. And 2 that's when I started applying for jobs again, after 3 my doctor told me two years ago yeah, you can go out 4 and work because my blood pressure used to be so 5 high. And I don't understand, it's still going up, 6 off and on goes up and down. And then after last 7 year, sometime last year, it just kept going up after 8 they fired me.</p> <p>9 Q. Have you ever been on a medical disability as a 10 result of your blood pressure condition?</p> <p>11 A. No, I haven't. But I have applied for a disability. 12 And I did go to a court hearing, and the court, the 13 judge told me that I didn't have a disability. He 14 felt that I'm able to work.</p> <p>15 Q. Was that Social Security Disability that you applied 16 for?</p> <p>17 A. Yes.</p> <p>18 Q. Was that after you were separated from Amazon or 19 before that you applied for the disability benefits?</p> <p>20 A. It was -- no, it was both. It was after -- it was 21 afterwards but also it was before. It was really 22 before. It was before, I'm sorry, it was before. 23 But I applied for disability sometime the end of last 24 year. But as far as the court date went, that was 25 before I was hired at Amazon.</p>	<p style="text-align: right;">Page 24</p> <p>1 psychologist. But I haven't been going to that 2 psychologist. I've just been going to Maisee. And 3 Maisee just now telling me well, now since you still 4 not working, go in, she recommend I still go to a 5 hospital and get a psychologist to do analysis. 6 But -- also this case, for the situation, I think 7 that's another reason why I was fired from Amazon, 8 because of emotional distress.</p> <p>9 Q. You think that Amazon was aware of your emotional 10 distress and fired you for that reason?</p> <p>11 A. No, they weren't.</p> <p>12 Q. I'm sorry?</p> <p>13 A. Because I used to -- I've been telling Maisee, my 14 doctor, that when I go -- for this past two years and 15 Vicki that when I go to work, they always have me 16 evaluated. And I always ask my -- my supervisor 17 which was Mr. Griffin, why am I keep getting 18 evaluated every week because that just doesn't seem 19 right. And I told him and explained to him about my 20 work history and that on some jobs I used to work at, 21 they only gave me three months evaluation, every 22 three months.</p> <p>23 Q. And what did Mr. Griffin tell you when you asked him 24 why you were being evaluated every week?</p> <p>25 A. He told me that because he gets two departments that</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Okay.</p> <p>2 A. So that was before.</p> <p>3 Q. So did you submit a second application for Social 4 Security benefits after your termination from Amazon 5 and your blood pressure increased again?</p> <p>6 A. Yeah, yeah. But with Social Security Administration, 7 they denied my application.</p> <p>8 Q. Okay.</p> <p>9 A. They felt I didn't have any disability problems.</p> <p>10 Q. Okay.</p> <p>11 A. So now I'm just going to Pro Care, and I'm just -- 12 I'm seeing two doctors, my Doctor Vicki which she's 13 really a practitioner but she acts as a doctor, and 14 another doctor which is Ms. Maisee. Her name is 15 Maisee. She is a doctor. That's the one who gave me 16 the prescriptions for the blood pressure pills and 17 some of my deficiencies and the Zoloft, the mental 18 health pill.</p> <p>19 Q. Has any doctor or medical care provider ever told you 20 that your blood pressure condition has been 21 exacerbated or made worse because of what happened at 22 Amazon?</p> <p>23 A. One of my doctors, Vicki, she mentioned that well, 24 you know, try not -- because I talked to her about 25 this, and she assigned me to Maisee so I could get a</p>	<p style="text-align: right;">Page 25</p> <p>1 always complain to him about my job performance, my 2 job performance which was stowing and making sure 3 things were in there right and then the count, the 4 number of things they needed to count in each bin of 5 a stower which is -- it's a bin, it's a thing, a cart 6 like and you stow things which means you put things 7 in a cart, in the bin.</p> <p>8 Q. So we'll talk about that more in a minute. I'm going 9 to have you describe it again for me so I make sure I 10 really get it. But with regard to the complaints Mr. 11 Griffin told you he was getting about other 12 departments about your -- from other departments 13 about your performance, do you know whether that's 14 true, that Mr. Griffin was in fact receiving 15 complaints from others about your performance?</p> <p>16 A. No. But the reason why the emotional stress kept 17 coming and I was telling my two doctors, especially 18 Ms. Maisee, was because every time he come, he would 19 warn me, okay, you might get fired next time or they 20 may tell me I have to fire you, and I don't want to 21 do that. And I would get just stressed out and -- 22 Well, Maisee says it's anxiety. That's 23 why she diagnosed me with those medical pills. But I 24 told -- I told her that that's what it is. I get 25 fearful whenever he comes to -- came to my station of</p>

<p style="text-align: right;">Page 26</p> <p>1 work.</p> <p>2 Q. Did you think Mr. Griffin was being honest and</p> <p>3 genuine with you when he said he didn't want to have</p> <p>4 to fire you?</p> <p>5 A. I sort of believed him, but then again, I didn't</p> <p>6 after the day that he fired me because the day that</p> <p>7 he fired me, he told me that, you know, well, I -- I</p> <p>8 was trying to explain to him that -- because every</p> <p>9 week, this is the thing, every week Mr. Griffin came</p> <p>10 to me of evaluations. I asked him okay, Mr. Griffin,</p> <p>11 I don't want to get fired. I even told him, I fear</p> <p>12 to get fired. My life is on the line for this</p> <p>13 because I'm depending on this job, and I love this</p> <p>14 job a lot.</p> <p>15 He said well -- he gave me suggestions of</p> <p>16 what to do to improve my performance. I said okay.</p> <p>17 Can I write them down? And he said yeah. He would</p> <p>18 pause for a minute and allow me to go to my locker,</p> <p>19 because we had lockers, to get me a pen and a paper</p> <p>20 to write down, and I would write down things that I</p> <p>21 want to go up to my station to tell -- for him to</p> <p>22 tell me what it is I should do to improve my job</p> <p>23 performance.</p> <p>24 So I've done that. And that lasted three</p> <p>25 weeks I believe personally, three weeks. And the</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Before -- on the day that you were terminated or on</p> <p>2 other days?</p> <p>3 A. No, the days -- evaluation days, yup.</p> <p>4 Q. So Mr. Griffin would spend almost 40 minutes talking</p> <p>5 to you about --</p> <p>6 A. Yeah. And he be like --</p> <p>7 Q. Hold on. I need to finish my question and then you</p> <p>8 can answer.</p> <p>9 A. I'm sorry.</p> <p>10 Q. So Mr. Griffin when he would address you about your</p> <p>11 performance on the floor and talk to you about how</p> <p>12 you could do better and try to improve, he would</p> <p>13 spend almost 40 minutes talking to you?</p> <p>14 A. Yes. And then he would tell me now, you know, keep</p> <p>15 on doing what you're doing. And I would work and</p> <p>16 listen to him.</p> <p>17 Q. In the days --</p> <p>18 A. And I would be telling him yeah, I'm listening, Mr.</p> <p>19 Griffin.</p> <p>20 Q. On the date that he allowed you time and spent time</p> <p>21 with you explaining and let you go get your pen and</p> <p>22 paper so you could come back and write down his</p> <p>23 helpful tips.</p> <p>24 A. Yes.</p> <p>25 Q. You mentioned that was three weeks, and I think you</p>
<p style="text-align: right;">Page 27</p> <p>1 third week, that's when in that third week which was</p> <p>2 March 16th, that's when he came up to me and told me,</p> <p>3 you know, I have to let you go. I have to fire you.</p> <p>4 And when we went to the office, I was</p> <p>5 explaining to him of why, I don't understand, and why</p> <p>6 I believe he should keep me as a stoker and he should</p> <p>7 keep me here because I'm a hard worker and explained</p> <p>8 to him I'm punctual, I'm on time, I'm a good worker,</p> <p>9 I get along with a lot of people. He just didn't --</p> <p>10 he stopped me in 10 minutes and just like well, you</p> <p>11 know what, we're going to keep going on and on and on</p> <p>12 in this.</p> <p>13 And this was just me, him and another -- I</p> <p>14 think she was a supervisor head, supervisor over him</p> <p>15 that was in one office at Amazon, their Kenosha</p> <p>16 County headquarters. And I was like well, I was</p> <p>17 surprised because he never acted like that on the</p> <p>18 floor. He always heard me out, and I always</p> <p>19 explained to him why every time he came to me with</p> <p>20 evaluation, why I'm a hard worker, why he should keep</p> <p>21 me working here at Amazon. And the weeks that we</p> <p>22 were on the floor and I talked to him, we talked, me</p> <p>23 and Mr. Griffin talked almost 40 minutes.</p> <p>24 Q. 40 minutes?</p> <p>25 A. Almost for 40 minutes.</p>	<p style="text-align: right;">Page 29</p> <p>1 said it was three weeks before March 16th, but did</p> <p>2 you mean that was three weeks before your May 16</p> <p>3 termination?</p> <p>4 A. No, I mean three weeks where March 16th was the third</p> <p>5 week within that third -- the three weeks which was</p> <p>6 February -- yeah, around that time of me -- the</p> <p>7 transition, right.</p> <p>8 Q. Okay.</p> <p>9 A. He was coming while I was still Integrity, working</p> <p>10 for Integrity.</p> <p>11 Q. Before you were hired on as a permanent?</p> <p>12 A. Even before I was hired permanent, yeah.</p> <p>13 Q. All right.</p> <p>14 A. Because I think the reason why is because Amazon</p> <p>15 would give all their workers before we go to our</p> <p>16 stations a warm-up meeting. And that would be the</p> <p>17 first thing you do of the day, of a day of work. And</p> <p>18 then he came and he was like um, I'm the new -- I'm</p> <p>19 your new supervisor, your new boss. Because I had a</p> <p>20 boss before him. So my boss left, my first boss</p> <p>21 left, and I had no problems with him. And I forgot</p> <p>22 his name.</p> <p>23 Q. You don't remember his name?</p> <p>24 A. I don't remember his name but he's gone.</p> <p>25 Q. When did Mr. Griffin become your supervisor?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. I don't remember, but I saw him say I'm accepting the 2 job the last week of February. That's how I knew. I 3 didn't find out until the last week because when he 4 stated hello, kept introducing himself and stuff on 5 the -- it's like the meeting of the first day of 6 work.</p> <p>7 Q. So it was shortly after Mr. Griffin became your 8 supervisor that you had that meeting with him where 9 he gave you some helpful tips and you wrote notes?</p> <p>10 A. Right.</p> <p>11 Q. Do you still have those notes by the way?</p> <p>12 A. No, I don't.</p> <p>13 Q. Okay.</p> <p>14 A. I sure don't.</p> <p>15 Q. On how many occasions did Mr. Griffin talk with you 16 about your performance? And you mentioned he spent a 17 good deal, 30 to 40 minutes of time talking with you 18 about how you could do better.</p> <p>19 A. Could you repeat the question?</p> <p>20 Q. Yeah. You mentioned there were occasions where 21 Mr. Griffin helped coach you on your performance, 22 gave you tips on how you could do better, spending up 23 to 40 minutes of time with you. On how many 24 occasions did Mr. Griffin do that, give you helpful 25 tips to try to help you improve your performance and</p>	<p style="text-align: right;">Page 32</p> <p>1 like a Thursday or a Wednesday or something. But 2 yeah, that was like the day -- that was the day 3 before the last evaluation he gave me of that week of 4 March 16th.</p> <p>5 Q. Have you ever -- let me just close the loop. I was 6 asking you about your military service. For the time 7 that you were enlisted in the US Navy Reserves, what 8 did you do with them?</p> <p>9 A. Have fun. No --</p> <p>10 Q. What was that?</p> <p>11 A. Have fun. F U N. But they gave us -- it was 12 something that I didn't know about. I went and 13 enlisted because I was looking for -- I was in 14 between jobs. I wanted to look for some income while 15 I'm still looking for a job. Because I went to a 16 recruiter. And at the Milwaukee headquarters, I 17 don't remember the address, but it's somewhere down 18 here downtown or so. But anyway, it's -- I forget, I 19 used to memorize the address.</p> <p>20 But anyway, only thing is that we did -- 21 every six months they did a three months evaluation, 22 like a regular job, of your performance of you being 23 a Navy reserve sailor. And that's what I started 24 with, being a sailor, just working out, doing track, 25 running test and swimming test. And then that was</p>
<p style="text-align: right;">Page 31</p> <p>1 spend 30 to 40 minutes with you coaching you?</p> <p>2 A. It was just those three weeks.</p> <p>3 Q. During that three weeks?</p> <p>4 A. Um-hum.</p> <p>5 Q. And how many -- was that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. And on how many occasions during that three weeks did 8 he spend that amount of time with you?</p> <p>9 A. Just those days of evaluation when he came to my 10 station.</p> <p>11 Q. Do you know how many times that was that you received 12 those evaluations?</p> <p>13 A. I remember only maybe that time, the last week of 14 February and then March 16th week. And then there is 15 two, there was two weeks before March 16th week last 16 year of that month, right, of that year. Those are 17 the only times.</p> <p>18 Q. So was it one time during the last week of February 19 or more than one time?</p> <p>20 A. Just one time of February.</p> <p>21 Q. And during the March 16th week how many times did Mr. 22 Griffin come and spend up to 40 minutes with you 23 describing how you could perform better?</p> <p>24 A. Just one time. Oh, no -- yeah, yeah, that was on a 25 Monday I believe, a Monday. Because the 16th was</p>	<p style="text-align: right;">Page 33</p> <p>1 every six months. But every three months it was for 2 the fact that it was two days of -- sometimes three 3 days a month there was drills. And during the drills 4 you had to, as a reserve, Navy reserve, you had to 5 prove that you liked to be in the military, being in 6 the Navy. And they give you chores or duties to do.</p> <p>7 Mine was to be in chow and to serve, which 8 was fun, to serve chow which is like lunch or dinner 9 or breakfast. But in our case it was lunch. And I 10 also -- they gave me that duty plus the duty to clean 11 up classrooms because in drills we had to be in 12 classrooms. So I, you know, I had the duty to clean, 13 help clean up the classroom, mop floors, sweep the 14 floor, clean desks and whatever.</p> <p>15 Q. Do you know what kind of test it was that you didn't 16 pass? Was it like a pen and paper test or was it 17 a -- like a physical fitness test?</p> <p>18 A. Yes, I do know. A captain and two pay officers told 19 me it was a test that I took they wanted to give me 20 again that I took at boot camp. Because at boot camp 21 they told me I had a low score, but it shouldn't 22 be -- the pay officers at my boot camp told me it was 23 a low score, but it shouldn't affect me of 24 graduating, and I did graduate from boot camp. But I 25 didn't get any other certificates which I thought I</p>

<p style="text-align: right;">Page 34</p> <p>1 was supposed to get. I think that's why. And they 2 told me that's what it was. It was an academics 3 test, reading, writing, arithmetic, common sense in 4 the Navy questions-and-answer test.</p> <p>5 Q. Did you see -- I assume that you did not experience 6 any combat while you were in the reserves?</p> <p>7 A. No, they didn't send me to war.</p> <p>8 Q. Have you ever been involved in a lawsuit before this?</p> <p>9 A. No, I haven't.</p> <p>10 Q. Have you ever sued anybody else or filed a complaint 11 with the Department of Workforce Development alleging 12 discrimination or harassment in the past?</p> <p>13 A. I did try to sue QuadGraphics because I worked for 14 QuadGraphics for five years from 1997 to year 2001. 15 They let me go July of 2001. But I didn't follow 16 through it because I didn't have enough money to 17 continue suing QuadGraphics. And it hurt me to sue 18 them because I liked that job, too. And it really 19 hurts me to sue Amazon because I loved that job.</p> <p>20 Q. Did you file -- did you actually file a lawsuit 21 against QuadGraphics?</p> <p>22 A. I did, but I didn't follow through because, again, 23 like I said, I didn't have enough money to follow 24 through to continue doing all that I need to do.</p> <p>25 Q. Did you have a lawyer for that case?</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Why did you believe it to be your race?</p> <p>2 A. I believe because QuadGraphics have, just like 3 Amazon, have a lot of Caucasian women and Caucasian 4 men working there. It's very few -- Amazon does have 5 more Blacks working for them than QuadGraphics. We 6 had -- it was only a handful you could count. It was 7 -- at that time it was about only like 200, 200 8 Blacks.</p> <p>9 Q. Is there any other reason you thought you were let go 10 from QuadGraphics because of your race other than the 11 demographics of the workforce there?</p> <p>12 A. No. It's just that that's the only thing I could 13 think of because I was a hard worker there. I was 14 always on time, never missed a day of work, never 15 called in sick.</p> <p>16 Q. Did you get in that case as far as giving a 17 deposition like you're doing here today?</p> <p>18 A. No, I didn't, because I couldn't get a lawyer, and I 19 didn't have enough money to continue it further, the 20 case. So I -- it closed.</p> <p>21 Q. Have you ever been a part of any other lawsuit?</p> <p>22 A. No, I haven't.</p> <p>23 Q. Have you ever been arrested?</p> <p>24 A. No, I haven't.</p> <p>25 Q. So you've never been convicted of a crime?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I didn't have a lawyer.</p> <p>2 Q. Was that also in the Eastern District of Wisconsin?</p> <p>3 A. Yes. And again, like QuadGraphics and this case, I 4 wanted to get a lawyer, but all the lawyers kept 5 telling me they couldn't take my case because they 6 couldn't get evidence for every job that I took, 7 pictures, get investigators, hid investigators in 8 there or someone to try to get a job there to be an 9 investigator.</p> <p>10 Q. So with regard to your prior suit against 11 QuadGraphics, what was the allegation? Were you 12 alleging race discrimination in that case, too?</p> <p>13 A. Yes, race discrimination but not age discrimination.</p> <p>14 Q. Were you terminated from your employment with 15 QuadGraphics?</p> <p>16 A. Yes, I was.</p> <p>17 Q. Why did the company say you were terminated?</p> <p>18 A. They didn't give me a good -- they didn't give me any 19 reason. They just said we have to let you go. We're 20 downsizing right now. But I asked well, why am I 21 getting fired? And they stated well -- one of the 22 supervisors there stated, I can't think of his name, 23 Bob, Bob was his name, he said it's just that we 24 don't need you anymore. That's what he stated. And 25 I didn't understand that.</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No, I haven't.</p> <p>2 Q. Have you ever testified in court for any other reason 3 like as a witness to somebody else's case?</p> <p>4 A. Well, Wells Fargo sent me a postcard last year, well, 5 which was a few months ago, December, but it was 6 where the customers would fill out a coupon, I mean 7 like a -- it was like a little --</p> <p>8 Q. Oh, I --</p> <p>9 A. You got one?</p> <p>10 Q. I'm guessing you were part of the class action. And 11 if you wanted to sign it, you could collect some 12 small amount of money potentially?</p> <p>13 A. Um-hum, yeah, that's the only thing. That's the 14 only -- other than that, I haven't had -- been a 15 witness for anybody.</p> <p>16 Q. So I want to talk to you a little bit about what you 17 did work wise before coming in to work at Amazon. 18 And I want to kind of just go back and get a picture 19 of your full employment history even coming out of 20 high school. So what was the first job you had 21 coming out of high school?</p> <p>22 A. It was like a communications telephone call-in 1-800 23 number service. That was the first job I've ever had 24 with AJT.</p> <p>25 Q. What was that, AJT?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. AJT. 2 Q. Was that the name of the company? 3 A. No, the name of the company is Call Connections. 4 It's no longer around. And it was located in 5 Chicago, Illinois. 6 Q. And for how long did you work in that kind of 7 customer service telephone answering role? 8 A. It was for about -- about a year from 1990 -- sorry, 9 it was 1987 to 1988. Somewhere around -- they hired 10 me in September '87, and then it shut down. That's 11 why I no longer worked there in '88, 1988. 12 Q. And what did you do next in terms of employment? 13 A. Then I did -- I went to apply for temp jobs, and I 14 worked as maid service, did maid service work, did 15 housekeeping work and did office clerk work. 16 Q. Was that all through the same temp service? 17 A. It was a variation. No, two -- no, two or three temp 18 agencies. I don't remember their names right now. 19 Q. Was that in Milwaukee here? 20 A. That was in Chicago, Illinois. 21 Q. Were you ever fired from any of those temp jobs? 22 A. No, never was fired from any temp job, no. 23 Q. What did you do next in terms of your employment? 24 A. Then when -- after I moved here with my relatives to 25 Milwaukee, Wisconsin, I did some more temp jobs which</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And what did you do next in terms of your employment? 2 A. Well, in between those years, 1997 to year 2001 I 3 worked for QuadGraphics full time. I was a finisher 4 factory worker, magazine feeder, machine feeder. And 5 then I joined the military. And while I was in the 6 military, I applied for a job at one of the Pick 'n 7 Save grocery stores here in Milwaukee. 8 Q. Did you get that job? 9 A. Yes. It was part-time so I was able to -- that's why 10 I was able to be in the military reserves because I 11 had time to work part-time with them. 12 Q. And what did you do for Pick 'n Save? 13 A. I just did bakery clerk work and utility service 14 work. 15 Q. What is utility service work? 16 A. That's to clean the washrooms and to mop the grocery 17 store floors and sweep the grocery store floors and 18 clean the grocery store shelves. 19 Q. What years did you work for Pick 'n Save? 20 A. I worked for Pick 'n Save from the year 2005 to year 21 2006. 22 Q. And why did your employment with Pick 'n Save end? 23 A. I'm sorry, 2004 was the first year of Pick 'n Save to 24 2006. They said the job ended. They didn't need -- 25 they were downsizing. Again, they didn't give me a</p>
<p style="text-align: right;">Page 39</p> <p>1 was working in factories, doing factory work of 2 packing boxes, lifting boxes, assembly line work. 3 Q. Do you recall which temp agencies you worked through? 4 A. One was Crown, one was -- and there were two others I 5 don't recall right now and banquet service. I was a 6 banquet server for Hatch Staffing. 7 Q. For who? 8 A. Hatch Staffing Service. 9 Q. There is a fan behind me. So if I don't hear you 10 sometimes -- Hatch Staffing. Okay. Were you ever 11 terminated or asked not to return to any of those 12 temporary assignments? 13 A. No, I wasn't. 14 Q. How long did you perform those various temporary 15 roles that you've identified? 16 A. Sometimes they say -- they need me for a week, 17 sometimes they need -- they would need me for a day, 18 you know, and that was it. And then they would say 19 they would call me. 20 Q. For what period of time were you performing temporary 21 work of that nature, from what year to what year 22 would you say? 23 A. It was off and on of the years from 19 -- when I came 24 here in 1993 though, a year after I moved here, 1993 25 to year 2007.</p>	<p style="text-align: right;">Page 41</p> <p>1 reason why. They just didn't need me anymore. 2 Q. What did you do next after leaving Pick 'n Save? 3 A. Then I was just honorably discharged from the 4 military. Then I was just applying for jobs. And I 5 went back to MATC and did work for my mother in 6 exchange of tuition reimbursement for going back to 7 MATC. 8 Q. What kind of work did you do for your mom? 9 A. I just did household chores, work, mopping her 10 kitchen floors and cleaning her living room, dining 11 room and her bathrooms and washing her dishes. 12 Q. When was the next employment that you had then? 13 A. Then I worked -- I didn't work at all, I kept 14 applying for jobs. And then the last one was Amazon, 15 worked for Amazon. That was the very last job. And 16 that started from year -- I'm sorry, year 2015 to 17 year 2016. 18 Q. So between your separation from Pick 'n Save in 2006 19 sometime until you started with Integrity, placed at 20 Amazon in October of 2015, you didn't have any 21 outside employment other than what you might have 22 done for your mother? 23 A. Right. 24 Q. Is that right? 25 A. Yes.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. Did you have any other source of income? Were you on 2 public assistance or anything of that nature? 3 A. Yes, I was on -- I've been on Food Share since 4 year -- off and on, whenever I wasn't working from 5 year 2001 to now. So whenever I'm not working, 6 wasn't working, in between those gaps, I was provided 7 Food Share food stamps and their health care, Food 8 Share's Medicaid. 9 Q. And that's Medicaid? 10 A. Yes. 11 Q. Since leaving Amazon, I understand, at least at the 12 time you did your discovery answers, that you have 13 not been able to find alternative employment; is that 14 right? 15 A. Yes. I've been still looking. 16 Q. Okay. Have you been offered any jobs that you turned 17 down? 18 A. I haven't turned any down. I'm still waiting. I've 19 been going to job interviews, but they haven't 20 contacted me yet. 21 Q. You produced to me through Matt, as you know, Matt 22 and I work together, a lot of pages of documents 23 reflecting jobs that you have applied for, records 24 showing your communications with other employers. 25 Probably one of the more complete records I've</p>	<p style="text-align: right;">Page 44</p> <p>1 job interview. And they also give credit if you go 2 and apply for work, you get free transportation. 3 That's where my transportation come from, ResCare. 4 That's like an income, but I don't see it because 5 they give you just an M card. But also the fact that 6 I've been writing on my free time business plans, so 7 that's like credit that's given to me from them to 8 give me like an M card or -- and you have to see them 9 in order to also keep your food stamps, Food Share. 10 Q. So all of the job search records, for example, that 11 you were able to provide in conjunction with this 12 case, is that something that you also submit then to 13 this ResCare Program to support for them that you're 14 searching for work so that they can give you those 15 benefits like the car share, et cetera? 16 A. Yes. But also it's for my benefit personally to 17 know, okay, there may be two or three categories I 18 may want to do the rest of my life in terms of my 19 business plans, like own my own factory or own my own 20 McDonald's or that type. So those are the jobs I 21 apply for based on that. 22 Q. And is that your goal, to own your own McDonald's or 23 own your own did you say factory? 24 A. Factory, yeah. 25 Q. What kind of factory are you thinking of?</p>
<p style="text-align: right;">Page 43</p> <p>1 obtained regarding a job search in a litigation like 2 this. 3 A. Okay. 4 Q. So I didn't want to take the time today to review all 5 of those with you. 6 A. It's a lot. I applied for a lot of jobs. 7 Q. So my question to you is with regard to all of those 8 applications, what criteria are you applying to 9 decide whether or not it's a job that you'll go ahead 10 and apply for? 11 A. Well, I am looking for work that is in relation to my 12 future goals because I do want to own something of my 13 business, self-employment one day. It will be in 14 Food Share or it will be food service -- I'm sorry, 15 food franchising or it will be in terms of involving 16 something that I've always wanted to own or do based 17 on my business plans. Because on my free time, I 18 forgot to tell you, I get -- I'm also in ResCare 19 Program. 20 Q. What's that? 21 A. It's a program that's linked to Food Share, but it 22 helps people who are unemployed try to get them back 23 on their feet in terms of help give them some advice 24 of resume doing and resume format and some advice of 25 tips of job seeking as well as being on interview,</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I was thinking like a pie/cake factory because I know 2 how to cook. Like I told you, I was in -- and showed 3 you that I applied for Pick 'n Save. I was a bakery 4 clerk. They had me do a lot of baking and a lot of 5 cooking in the store. So it would be that. 6 Q. I did see that you applied for some management jobs 7 at McDonald's. Have you also applied for like a cook 8 position or a cashier position or anything like that? 9 A. Yes, I have. And I also was a cashier for Pick 'n 10 Save as well as a clerk. 11 Q. And let me ask -- 12 A. That's different. 13 Q. Let me ask a more specific question. I want to talk 14 about after you were terminated by Amazon. 15 A. Okay. 16 Q. I saw in your records that you gave me that after 17 your separation from Amazon, you applied for several 18 management level jobs at a McDonald's, for example? 19 A. Okay. Yeah. 20 Q. Did you also apply at any McDonald's franchise or 21 corporate-owned store for a cashier position or a 22 cook position or anything like that? 23 A. No, I haven't, because those -- oh, yeah, I know what 24 you mean. Because it's only what they have provide 25 for you to apply for online. They don't have cooks</p>

<p>1 or the cashier position available.</p> <p>2 Q. Have you looked at other fast food restaurants to see</p> <p>3 if they have any kind of entry level job?</p> <p>4 A. Yeah, I did. But I really was thinking management</p> <p>5 because -- the reason why I only apply now for</p> <p>6 management jobs is based on my age basically.</p> <p>7 Secondly, my credentials, you know, I believe that</p> <p>8 they would accept me because I'm more advanced than</p> <p>9 the younger person that would apply for that job.</p> <p>10 Q. Have you ever worked in a fast food restaurant</p> <p>11 before?</p> <p>12 A. No, I have not.</p> <p>13 Q. Are you applying for nonmanagement level positions in</p> <p>14 other industries?</p> <p>15 A. Well, actually, a CNC operator, that's an entry level</p> <p>16 position in a factory. I've been applying for that,</p> <p>17 too, because I'm sort of familiar with -- I worked at</p> <p>18 QuadGraphics, and I knew two people that were CNC</p> <p>19 operators over there. I don't know if they're still</p> <p>20 working there. But I observed when I was on my break</p> <p>21 or one break or whenever I was working as a feeder, I</p> <p>22 saw how they did -- operated the machines.</p> <p>23 Q. Did you ever work on one of those machines?</p> <p>24 A. They wouldn't allow it, no. I tried to, but they</p> <p>25 wouldn't allow it, no.</p>	<p>Page 46</p> <p>1 guess is the better question?</p> <p>2 A. Yeah, I go to the YWCA all the time and sometimes to</p> <p>3 the main library, I go online, and I go on Job Center</p> <p>4 Wisconsin or I go on Monsters or I go on any other</p> <p>5 job seeking website to apply for jobs. It's</p> <p>6 basically only online. Or I will go walk in foot to</p> <p>7 foot, whenever I go into a fast food place and ask</p> <p>8 them, you know, how do I apply for a job. Can I</p> <p>9 apply for a job as a manager trainee or a manager</p> <p>10 assistant. They would tell me which websites to go.</p> <p>11 So it would be basically company restaurant websites,</p> <p>12 fast food websites I'd go and apply online for those</p> <p>13 jobs.</p> <p>14 Q. Anything else that you're doing to look for work?</p> <p>15 A. Basically that's it.</p> <p>16 Q. Did you mention to me earlier that you have been on</p> <p>17 some recent interviews?</p> <p>18 A. Yes, I have. I've been on two job interviews, and</p> <p>19 they would just tell me well, we'll call you if we</p> <p>20 have something available.</p> <p>21 Q. How long ago was that?</p> <p>22 A. That was about -- it was last year, but it was like</p> <p>23 in the summer time. It was only two interviews I got</p> <p>24 a call back.</p> <p>25 Q. Okay.</p>
<p>Page 47</p> <p>1 Q. You have to be a trained CNC operator, right?</p> <p>2 A. Yes, yes, licensed.</p> <p>3 Q. And you don't have that?</p> <p>4 A. And I don't have that.</p> <p>5 Q. Do you have the license?</p> <p>6 A. Not yet. You have to be certified, not really so</p> <p>7 much licensed, but you could be certified, and I</p> <p>8 don't have that yet.</p> <p>9 Q. Okay. So you've been, since leaving Amazon, applying</p> <p>10 for management level positions with fast food?</p> <p>11 A. Yes.</p> <p>12 Q. And you've been applying for CNC operator positions.</p> <p>13 Are there any other types of positions that you've</p> <p>14 said these are kinds of positions I am seeking or</p> <p>15 that you have in fact submitted applications for</p> <p>16 since leaving Amazon?</p> <p>17 A. The basic ones that I have some background experience</p> <p>18 in like assembly work, that might pop up online that</p> <p>19 would be available for work, open for --</p> <p>20 Q. And you would apply for it?</p> <p>21 A. Yeah.</p> <p>22 Q. How have you been going about identifying jobs? Are</p> <p>23 you looking on any kind of job boards or message</p> <p>24 boards to figure out or in the paper or where are you</p> <p>25 determining, what are you doing to look for work I</p>	<p>Page 49</p> <p>1 A. One of them was -- one of them involved a temp</p> <p>2 agency. It was to work at -- I thought it was</p> <p>3 automatic, she was automatically for Harley-Davidson.</p> <p>4 But she wasn't, she was through a temp agency. And</p> <p>5 then there was another one where it was a telephone</p> <p>6 interview with Hatch Staffing again. I called Hatch</p> <p>7 Staffing again.</p> <p>8 Q. Do you have a current copy of your resume?</p> <p>9 A. Not on me.</p> <p>10 Q. But you have one at home?</p> <p>11 A. Yes, I do.</p> <p>12 Q. That you could produce to us?</p> <p>13 A. Yes.</p> <p>14 Q. I'm going to ask that you do that, and we can talk</p> <p>15 off the record about how to make that happen.</p> <p>16 A. Okay.</p> <p>17 MS. FITZKE: Why don't we go ahead and</p> <p>18 take a short break so we can give the court reporter</p> <p>19 a little break here, and we'll come back in a few</p> <p>20 minutes.</p> <p>21 (Recess taken.)</p> <p>22 BY MS. FITZKE:</p> <p>23 Q. Before we get -- kind of dive back into the</p> <p>24 substance, I just want to confirm a couple things for</p> <p>25 the record. One, in part you've alleged age</p>

<p style="text-align: right;">Page 50</p> <p>1 discrimination, and I have some documents confirming 2 your age but I just want to get it on the record 3 here. It's my understanding that you were born in 4 March of 1969; is that right?</p> <p>5 A. March 2nd, 1969, yes.</p> <p>6 Q. And that you were then 46 years old when you started 7 working for Amazon and 47 when your employment with 8 them was terminated; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. And I think it's probably pled in your complaint but 11 just for purposes of the record, you're a Black 12 woman, right?</p> <p>13 A. Yes, I am African American.</p> <p>14 Q. And -- okay. Tell me how it was that you came to 15 work for Amazon initially through Integrity Staffing, 16 like how did you learn that there was a job 17 available? How did you go about applying and things 18 like that?</p> <p>19 A. Well, one day I was watching TV and on the 20 commercial, there was a commercial that said 21 Integrity Staffing is hiring, no experience required. 22 It's in the Kenosha location for stowlers and other 23 types of job entries, to apply. And they stated it 24 would be located -- recruiters in Milwaukee and other 25 parts of Wisconsin. So that's basically how I found</p>	<p style="text-align: right;">Page 52</p> <p>1 check?</p> <p>2 A. Yes, they did that right on the -- right after I 3 applied, filled out the application.</p> <p>4 Q. And did you understand, was it communicated to you 5 that you would have a job conditional on the drug 6 screen and the background check coming back okay?</p> <p>7 A. Yes. They -- they told me come back a certain day of 8 the following week because first day I applied was 9 like on Friday, so yeah. That second week of the day 10 I had to report back to them when they was out there 11 by Mitchell airport in the hotel again, they said 12 yeah, I was okay, my drug screen was excellent.</p> <p>13 Q. And I had a question I wanted to ask and it just 14 escaped me. Give me a moment. When you were 15 applying, you understood that your employer at that 16 time would be Integrity Staffing and that Integrity 17 planned to place you at the Amazon facility so long 18 as your screens came back okay?</p> <p>19 A. Yeah. They explained the process, the job process of 20 hire through Integrity Staffing, and that there is no 21 guarantee I'll be hired with Amazon, but they gave me 22 some like, I don't know, how do I say it. One 23 recruiter gave me like an example of how they would 24 go about doing it to get me hired. Because I asked 25 them how can I get hired through Amazon, through you</p>
<p style="text-align: right;">Page 51</p> <p>1 out about them.</p> <p>2 Q. And then did you go to like a job fair to apply, or 3 did you apply online? How did you do that?</p> <p>4 A. It was like, sort of like a job fair, but they had a 5 set-up in Milwaukee, Wisconsin which I knew I could 6 go to. Because if they didn't advertise Milwaukee, I 7 wouldn't have been able to go. I didn't have access 8 to transportation in Kenosha at the time.</p> <p>9 So they were located in O'Hare. They said 10 it was going to be located -- not O'Hare but Mitchell 11 airport, Mitchell airport area. So I went out there 12 by bus, and they were in the hotel. But it was a 13 hotel ballroom. So it was like -- I guess you could 14 say it was a banquet, like a job fair. It was more 15 than 10 people that always came.</p> <p>16 Q. And did you complete an application there onsite?</p> <p>17 A. Um-hum, yes.</p> <p>18 Q. And then did you have an interview there onsite?</p> <p>19 A. Yes.</p> <p>20 Q. And were you offered a job that day there onsite at 21 the job fair?</p> <p>22 A. No, they told me to come back because they had to get 23 the results of my drug test. They gave me a drug 24 test onsite.</p> <p>25 Q. Did you also have to do like a criminal background</p>	<p style="text-align: right;">Page 53</p> <p>1 all since, you know, I can only apply for this job 2 working at Amazon only through you. And then he told 3 me well, you know, there is a method, there is a 4 process, there is a certain time limit. Then if they 5 like you, then they will go through an orientation 6 with you and they will talk to you about it. But you 7 have to be currently working in the Amazon plant, one 8 of their plants.</p> <p>9 Q. What did you understand the process was going to be 10 to be hired on by Amazon once you started working 11 there through Integrity?</p> <p>12 A. Yeah, I understood, you know, the recruiter told me, 13 you know, just be on time all the time, do your job 14 right, try to do a good job doing whatever you have 15 to do and never call in sick, you know, always be on 16 time. And that's all he told me. Because I guess 17 it's all he could -- really knew because he was just 18 a recruiter, interviewer.</p> <p>19 Q. And did you have any understanding, were you given 20 any understanding of how long the period of time was 21 that you would have to work through Integrity before 22 Amazon would consider you as a full time employee?</p> <p>23 A. Yeah, he explained it to me. He said that it might 24 be six months, it might be three months before 25 they -- and it's up to them to decide if they want to</p>

<p style="text-align: right;">Page 54</p> <p>1 tell you that the job is okay temporary or it's going 2 to turn permanent. That's what he told me. It could 3 be temporary or turn permanent.</p> <p>4 Q. And was that recruiter, do you know if he worked for 5 Integrity Staffing or --</p> <p>6 A. I asked him. I asked him do you work for Integrity 7 Staffing? He said yeah, but the Amazon -- I'm like 8 well, how is it that if I'm applying for an Amazon 9 job, I have to go work for a temp job again? He said 10 because Amazon is working with them, with Integrity. 11 Integrity Staffing works with Amazon. That's how 12 they get their permanent employees. You can only be 13 an Integrity Solution or another temp agency, they 14 hire for us recruiters to get to work on their 15 jobs -- on their job site rather, in order for them 16 to say okay, that person can be an Amazon employee. 17 So he explained it to me. So I really was a temp 18 before I became an Amazon employee. And he said it 19 could be three months or six months.</p> <p>20 Q. Okay.</p> <p>21 A. The job was temporary. But it may go permanent. 22 That's what he told me.</p> <p>23 Q. Okay. And it's my understanding that you started 24 working at the Amazon facility as an Integrity 25 associate on October 26th of 2015, does that meet</p>	<p style="text-align: right;">Page 56</p> <p>1 opening. Like a -- it's hard to describe. It's like 2 a basket, there it is, a basket. And you put items, 3 retail items inside each input opening of the bin.</p> <p>4 Q. And do you know where the items go after they go into 5 that bin?</p> <p>6 A. Yeah, they go inside each opening accordingly to what 7 a computer have to follow. Because they have to 8 follow a computer as a stower, and the computer tells 9 you where that items has to go in the bin.</p> <p>10 Q. So if I'm understanding you correctly, the computer 11 tells you which bin to put which item in, right?</p> <p>12 A. Right, yes.</p> <p>13 Q. There is not a particular place within the bin that 14 you have to put each item, right, it's just in the 15 right bin?</p> <p>16 A. It's in the right bin. And the computer tells you 17 based on a code that the item has along with a code 18 that is on -- that is labeled on the bin.</p> <p>19 Q. Do you know where -- once a stower like you had put 20 items into a bin, do you know where that bin goes or 21 what happens to those items next?</p> <p>22 A. When I first worked there, they gave us orientation, 23 and they explained to us how it goes, how the process 24 goes after -- if we become a stower. Because in 25 orientation when I first worked for Amazon through</p>
<p style="text-align: right;">Page 55</p> <p>1 with your recall?</p> <p>2 A. Yes.</p> <p>3 Q. And when you came to Amazon, what was the position 4 that you first started in? What was the job you were 5 doing?</p> <p>6 A. I was first, they first had me --</p> <p>7 Q. You mentioned being an associate. Is that the first 8 thing that you did?</p> <p>9 A. Yeah, I was a sorter.</p> <p>10 Q. And you kind of described it earlier but for the 11 judge who might not be as familiar --</p> <p>12 A. It's called stower.</p> <p>13 Q. Stower. For the judge who is not as familiar with 14 the layout of the Amazon facility as you certainly 15 are and as I might be, can you describe, can you try 16 describing again what a stower does? And then where 17 I think we need to add some additional detail, I'll 18 ask some follow-up questions.</p> <p>19 A. Okay.</p> <p>20 Q. So what does a stower do for Amazon?</p> <p>21 A. A stower puts retail items that Amazon is -- company 22 is doing business with that are stores, different 23 stores, different companies, different home-based 24 companies, retail items into bins. And the bins are 25 like -- it's like a box. It's like a box with input</p>	<p style="text-align: right;">Page 57</p> <p>1 Integrity, they had us all in a big room, employees 2 in the big room. And they explained if you were a 3 stower that it goes to a department -- dang, I can't 4 remember the name of the department. But it's a 5 department that counts the bins and checks the bins 6 which is one of the departments Mr. Jeff Griffin was 7 informing me that complaint to him all the time of 8 my -- each of my evaluation.</p> <p>9 And they count, and it's supposed to be 10 the right number of items in each bin opening as well 11 as the right label towards the label that's on the 12 bin. So they have people check our work after.</p> <p>13 Q. Kind of a quality control, if you will?</p> <p>14 A. Yeah.</p> <p>15 Q. Were they called -- is that the SPQR? Does that 16 sound right?</p> <p>17 A. Yeah, it's like SPQ --</p> <p>18 Q. No, that's the wrong one. Is it the ICQA counters?</p> <p>19 A. Yeah, ICQA, that's it.</p> <p>20 Q. I knew there was an acronym out there somewhere. So 21 after the stowers put the items in the bin, the bins 22 next go to the ICQA counters to be quality checked, 23 if you will, counted and quality checked to make sure 24 that the stowers got the right items in the right 25 bin, correct?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. Right.</p> <p>2 Q. And then after they're quality checked, do you know</p> <p>3 what happens next to the items?</p> <p>4 A. From what I can remember during orientation, the ICQA</p> <p>5 checks every stower's work, it goes to another</p> <p>6 department where they check to see if there is any</p> <p>7 damages, any other type of issues for retail item, if</p> <p>8 it's an item that is against Amazon's policy of</p> <p>9 selling, that type of thing. I can't think of the</p> <p>10 name of that department, but that's also the other</p> <p>11 department also that Mr. Jeff Griffin told me had a</p> <p>12 complaint for each of my evaluations. Such as --</p> <p>13 example would be that Amazon would not want to sell</p> <p>14 would be batteries with ion or fireworks or gasoline,</p> <p>15 bottles of gasoline.</p> <p>16 Q. And so as a stower, was it part of your</p> <p>17 responsibility to identify those items as they came</p> <p>18 in initially and try to flag them earlier in the</p> <p>19 process?</p> <p>20 A. Yes. And when we flagged them, we would take -- we</p> <p>21 were supposed to take them out and put them in a --</p> <p>22 on the side of -- on a conveyor belt in a basket.</p> <p>23 And then we were supposed to go to the computer and</p> <p>24 click onto function or feature where we click onto</p> <p>25 call, what's the name, it's like publics, they're</p>	<p style="text-align: right;">Page 60</p> <p>1 have to stow anything, the boxes and everything are</p> <p>2 supposed to be opened up and re -- and checked from</p> <p>3 another department before we -- before we stow. So</p> <p>4 we really -- we're the first person -- people to --</p> <p>5 the first department or the first employees, yes, to</p> <p>6 stow the product. But we're not the first department</p> <p>7 to check what goes into Amazon's plant before we stow</p> <p>8 any items.</p> <p>9 Q. Okay. And in terms of the items that you do stow in</p> <p>10 the bins that you do put them in, did you understand</p> <p>11 that it was very important to Amazon that those items</p> <p>12 go in the correct bins?</p> <p>13 A. Yes. And in orientation they told us, we're the most</p> <p>14 important people, employees to do, to make sure the</p> <p>15 Amazon items are well taken care of and sold right</p> <p>16 because we check -- we actually got -- we're like the</p> <p>17 second checker of people to take stuff out of the</p> <p>18 bins or to check if the label is right and to put it</p> <p>19 into the other bins with the same label to see if</p> <p>20 there are any damages. We are the ones that do that.</p> <p>21 And I was doing my job. I was doing that.</p> <p>22 Every time I put anything in there, in a bin, a</p> <p>23 retail item in a bin, I would check the whole from</p> <p>24 top to bottom, around it, the item before I put it</p> <p>25 in. And if it was damaged -- and yes, I've had</p>
<p style="text-align: right;">Page 59</p> <p>1 like public safety, but we called them to ask them</p> <p>2 hey, is this -- this is not what should be in here.</p> <p>3 And it's another department of people that check</p> <p>4 those type of items. It's like dangerous items sort</p> <p>5 of Amazon don't want to sell.</p> <p>6 Q. Are the stowers, like as items come into the Amazon</p> <p>7 facility, are the stowers the first step in sort of</p> <p>8 getting those items into the Amazon process, if you</p> <p>9 will? Does that make sense to you?</p> <p>10 A. What do you mean by --</p> <p>11 Q. So as the different retail goods that are going to be</p> <p>12 sold out of the Kenosha facility come into the Amazon</p> <p>13 facility, if you will, are the stowers the first</p> <p>14 group of people or the first department of people</p> <p>15 that really handle those items?</p> <p>16 A. We are, yes, the stowers, we are supposed to be,</p> <p>17 yeah, they -- is what from orientation, that's what</p> <p>18 they told me, and that's what they tell employees</p> <p>19 that, yeah, stowers are supposed to be first</p> <p>20 department to stow.</p> <p>21 Q. And so did you understand that it was important to</p> <p>22 the company that you accurately stowed the goods and</p> <p>23 put the goods in the right bins?</p> <p>24 A. Yeah. But during orientation they also mentioned</p> <p>25 when items come into Amazon plant before we get --</p>	<p style="text-align: right;">Page 61</p> <p>1 damages. I've had a lot of damaged items -- I did</p> <p>2 not stow and put in like I told you, we have to</p> <p>3 put -- stowers had to put in a basket on the conveyor</p> <p>4 belt and click on feature on their computer to call</p> <p>5 the people who we have to ask or tell them look, this</p> <p>6 is damaged, item is damaged. I did it every time,</p> <p>7 every workday.</p> <p>8 Q. When you -- describe for me for non-damaged items,</p> <p>9 okay, the process that you would follow in terms of</p> <p>10 how you would go about stowing an item in a bin and</p> <p>11 how you would go about recording that in the computer</p> <p>12 system.</p> <p>13 A. Okay. Step one, I would look at the bin. And then</p> <p>14 there is a conveyor belt of boxes we get, we would</p> <p>15 get where another department is supposed to just give</p> <p>16 us the boxes. Their thing, their job is only to</p> <p>17 place them on a conveyor belt, boxes of items, retail</p> <p>18 items that us stowers had to stow. So I would --</p> <p>19 That first step, I would have to look at</p> <p>20 the bin, see what bin I have, what openings I have.</p> <p>21 Then I would go on my conveyor belt, step two, go on</p> <p>22 my conveyor belt, look at my boxes, open them up,</p> <p>23 check each -- step three, I would check each item,</p> <p>24 retail item, and make sure that they were all</p> <p>25 correct, nothing was damaged, nothing was broken,</p>

<p style="text-align: right;">Page 62</p> <p>1 nothing was open and nothing was of harm of what I 2 memorized that -- Amazon gave every person in 3 orientation which I guess they are ordered to do to 4 give us a list of what Amazon items Amazon would not 5 sell to the public.</p> <p>6 And I memorized that list at home. And I 7 would -- whatever it looked like, I had damages at 8 times, I would put in the end of the conveyor belt, a 9 big opening, open cart I think it's called or a 10 crate, they would give us so that we could put items 11 in that were damaged, items that Amazon wouldn't sell 12 or items that I had a question about. They also 13 stated if you had a question about an item and it was 14 unusual and you never seen it before and at 15 orientation they never showed it for Amazon to sell, 16 to also put it in the box. And I had those type of 17 items, too.</p> <p>18 Q. So what about the items that were non-hazardous, in 19 good shape and they were good to go, good to stow, 20 how would you go about then process wise stowing 21 those items?</p> <p>22 A. I would then go ahead, look at the item itself, look 23 at the label. I would go on the computer, I'm 24 supposed to check to see what the computer say where 25 that item is supposed to go and the number. The</p>	<p style="text-align: right;">Page 64</p> <p>1 A. Yes. 2 Q. When you say there were some mixed up items, you said 3 there were some where the number on the item and the 4 number on the box didn't match, is that what you were 5 trying to say?</p> <p>6 A. Yes, there had been times where on the job -- and it 7 would be days where I also worked overtime and days I 8 didn't have to work where I -- it happened to me 9 again where there were items in boxes where the item 10 label is supposed to be on there. In orientation 11 they tell us that. Because the purpose of being a 12 stower is to be a quick stower and time consuming. 13 Amazon loves to have their shipment in fast or 14 something, so we had -- and whenever Mr. Griffin 15 would evaluate me, one thing he did tell me, your 16 timing is excellent. You do stow fast, and that's 17 what we -- you still have to keep doing that. He 18 told me keep doing that.</p> <p>19 So that's the thing. We really can't keep 20 having the time to okay, let's check the item, each 21 individual item because that's time consuming. But I 22 do it, I did it anyway for the fact that if it's not 23 right, something is wrong. If it's this item in this 24 box, and I've had a complaint by a department through 25 Mr. Griffin about that. He told me one day if you --</p>
<p style="text-align: right;">Page 63</p> <p>1 number is right according to the item as well as the 2 number of the item supposed to also be on the box 3 where we really ain't supposed to be looking at the 4 item, just the box and oh, okay. But sometimes it 5 was always mishaps. And there were mixed up items 6 with the label of a different label of a different 7 bin.</p> <p>8 But anyway, with a good item, I would go 9 in the box, go on my computer, the computer I'm in 10 will show okay, that item is supposed to be in bin 11 whatever. So I go and I put it in bin whatever. And 12 it would be -- they used to give us a gun, a laser 13 gun to laser the item label and the item bin. That's 14 how I would go about it. That's how the computer 15 reads it.</p> <p>16 Q. And that's how the company would know which bin you 17 stored which item in?</p> <p>18 A. Yes. You would get the -- their laser gun and laser 19 gun first the item. Then the computer then would 20 tell you where it should go, which bin opening it 21 should go.</p> <p>22 Q. Okay. And it's through that process of scanning the 23 item and scanning the bin, the company could also 24 tell how many items you were sorting, if you will, or 25 stowing, right?</p>	<p style="text-align: right;">Page 65</p> <p>1 because, you know, I thought that every item of a 2 label that was supposed to be the same was in the 3 same box. And there were like three of them that 4 were different labels, same items, same physical item 5 they usually are, but it would be like two or three 6 different labels. Three different labels and all the 7 rest of the items had the same label.</p> <p>8 So I mean in orientation they tell us, you 9 know, we got to be quick about it. And when we put 10 that gun laser on the item, automatically it's 11 supposed to be the same. For some reason it been 12 many times I've had that problem, many times.</p> <p>13 Q. Okay.</p> <p>14 A. And I would tell Mr. Griffin in advance.</p> <p>15 Q. So when you found the different --</p> <p>16 A. I'm sorry, I'm sorry, my bad. I would tell 17 Mr. Griffin after I have told the people that you 18 call, that we supposed to call, public people, I 19 forgot the name of them, but there is a department 20 that we call when they have to check if we have a 21 question to ask about about the items before we stow 22 them. And I told them many times, I keep getting 23 boxes of items with three different labels or items 24 with four different labels, but they all the same 25 physical item.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. So did you stow those items correctly according to 2 the label on the box?</p> <p>3 A. Yes, I have, all the time. And then I would put the 4 ones I seen that were mismatched in the little carton 5 on the end of the conveyor belt that we supposed to 6 put it in.</p> <p>7 Q. And you said Mr. Griffin received a complaint about 8 you from another department? What department was 9 that?</p> <p>10 A. It was -- sometimes it was ICQA and the other 11 department that also checks ICQA's work. And I'm 12 like oh, my goodness, I've been doing this. I've 13 been telling you this. And they come back to you 14 about the complaint. And he said yeah. They still 15 come back to me about that. I'm like oh, my 16 goodness.</p> <p>17 Q. What did Mr. Griffin convey to you was the nature of 18 the complaint that was made about your performance 19 from the ICQA department?</p> <p>20 A. That items, some items were missing like always 21 because, like I told you before, ICQA's job is to 22 check our stowers' work, all stowers' work. And one 23 of the things they check is the number of items 24 supposed to be in each bin and the labels have to be 25 correct, all of them got to be the same. And the</p>	<p style="text-align: right;">Page 68</p> <p>1 When we first worked for -- when I first worked for 2 Amazon, during orientation they would say, you know, 3 everything that is done on the computer is going to 4 be always in the computer and it's our records. So 5 every -- and then they stated, every department has a 6 record of everything that the stowers do and that 7 every other department does.</p> <p>8 Q. And so on how many occasions did Mr. Griffin tell you 9 that he had received complaints from the ICQA 10 department that items were missing from your bins?</p> <p>11 A. It was -- I counted every -- two times.</p> <p>12 Q. So Mr. --</p> <p>13 A. I counted two times.</p> <p>14 Q. Did Mr. Griffin tell you that only on two occasions 15 he received complaints from ICQA that items were 16 missing from your bins?</p> <p>17 A. That plus they complained to him I still -- I am 18 still stowing, I was still stowing damaged items.</p> <p>19 Q. And how many times did the ICQA department complain 20 to Mr. Griffin that he shared with you that you were 21 still stowing damaged items?</p> <p>22 A. Again, about two or three times.</p> <p>23 Q. Okay. And when did Mr. Griffin tell you that he had 24 received these complaints from the ICQA department?</p> <p>25 A. It was every time he came to me for evaluation day,</p>
<p style="text-align: right;">Page 67</p> <p>1 physicality, the way -- the image has to be perfect, 2 no damage.</p> <p>3 Q. So ICQA complained to Mr. Griffin or at least it was 4 conveyed to you that ICQA complained to Mr. Griffin 5 that there were items missing out of the bin that you 6 sorted?</p> <p>7 A. Yeah, that would be one of the complaints. And then 8 a second complaint was always one or two items they 9 found damaged. And I used to tell Mr. Griffin how 10 could that be because I'm always taking them out and 11 I'm always -- and I asked Mr. Griffin every time he 12 gave me an evaluation, you can ask the P people, I 13 can't think of the name of them, but they're 14 called -- some people called them P people where they 15 come -- PR or PG people, they come and they ask a 16 question of any problems stowers have. That's their 17 job. And they have it on record.</p> <p>18 And all departments are supposed to have 19 on record what the PG people or PR people that come 20 to us stowers rescue for answering our questions, the 21 problems all the time they supposed to have know, 22 they come to us. Because we push a button on the 23 computer. And anything that is stated on the 24 computer, they told -- they meaning people who 25 welcome, orientation people, orientation supervisors.</p>	<p style="text-align: right;">Page 69</p> <p>1 for the evaluation day, for each evaluation day. 2 Whenever he wanted to come to me and say I have to 3 give you an evaluation. Yup. That was the only 4 time. But then he would say -- whenever though he 5 say ICQA said some items were missing, he would say 6 okay, I'm going to get back to you in terms of what 7 they found if they didn't find the items.</p> <p>8 Usually he used to come back to me, or 9 when he did come back to me for -- it would be the 10 second evaluation he come back to me telling me that 11 they found nothing was missing. It was in a 12 different other bin or something he said they found 13 them in.</p> <p>14 Q. So they found the items, but the items had been 15 improperly stowed in the incorrect bin?</p> <p>16 A. Right. It was always that.</p> <p>17 Q. Okay. And it was your job to make sure that the 18 items were stowed in the correct bin?</p> <p>19 A. Yes. And I was doing my job right at all times.</p> <p>20 Q. Then how would they find them in the wrong bin?</p> <p>21 A. Because I don't -- and I told them, I don't know. I 22 stow what I see. And I always told Mr. Griffin I 23 stow what I see and what was all in the box.</p> <p>24 Q. So you don't believe you made any errors?</p> <p>25 A. No, because after -- and that's another thing, too.</p>

<p style="text-align: right;">Page 70</p> <p>1 I just thought about it. After each box is empty, I 2 broke them and put them in a recycle box they give us 3 to put them in. We break the boxes once they're 4 empty. But also the fact that the computer states if 5 it's stowed right. So once -- and we have to -- we 6 stowers also had to wait until the computer say yes, 7 you have stowed it correctly, move on to the next 8 bin. That's what the computer says. That's how I 9 know I stowed all those items correct because of what 10 the computer said. We had to go by the computer.</p> <p>11 Q. So if you, for example, scan an item and then scan 12 the bin that you intended to put it in but then put 13 it in a different bin, then it would be showing on 14 the computer that you did it correctly, but it would 15 still be stowed in the wrong bin, correct?</p> <p>16 A. I told them -- Mr. Griffin explained to me that's how 17 it might have been. But I told him no, I never 18 stowed an item, scanned with the laser gun the item 19 label on the item, put it in and then put it in the 20 wrong bin when the computer says it should be in the 21 bin of the right bin. I always put them in the right 22 bin. And why it does that, I don't know. That's 23 what I told him.</p> <p>24 But there have been times where it did do 25 that, yes. To answer your question, yes. There have</p>	<p style="text-align: right;">Page 72</p> <p>1 stowed in the incorrect bin?</p> <p>2 A. Well, the ICQA, the only thing they know is what they 3 count and what was all stowed in. So I mean I 4 understood that. But I was trying to tell 5 Mr. Griffin we have to go by the computer at all 6 times. When the computer is wrong, that shouldn't be 7 right.</p> <p>8 Q. Okay. So it's your testimony that the only reason 9 your items may have gotten into the incorrect bin is 10 because the computer told you to incorrectly stow 11 them?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And did you understand from Mr. Griffin and 14 how he addressed his performance concerns with you 15 that Mr. Griffin did not believe there to be anything 16 wrong with the computer system?</p> <p>17 A. He just didn't explain to me why he -- everyone goes 18 by what the computer says when that computer may have 19 a default. The computers may have a default. Amazon 20 computers may have a default.</p> <p>21 Q. Are you aware of any other employee, any other stower 22 that the computer was telling them to stow items in 23 the --</p> <p>24 A. I don't know --</p> <p>25 Q. Hold on, I have to finish my question. I'll start</p>
<p style="text-align: right;">Page 71</p> <p>1 been times the computer did do that to me.</p> <p>2 Q. What did the computer do to you?</p> <p>3 A. Was saying yes, correct, bin is stowed correctly, 4 stowed, go to the next bin. It would not -- the 5 computer would not go to the next bin, would tell you 6 to go to the next bin unless that item you laser gun 7 and put in the bin correctly.</p> <p>8 Q. At least you had laser gunned the correct bin, right?</p> <p>9 A. Yes. But that was my problem I was telling 10 Mr. Griffin about. We shouldn't even really -- I 11 told him we really shouldn't even follow sometimes 12 the computer. But he said no, you have to go by what 13 that computer says.</p> <p>14 Q. So you understood from what Mr. Griffin was telling 15 you that Mr. Griffin was getting reports from the 16 quality department, the ICQA department, that some of 17 your items were being found in the incorrect bins?</p> <p>18 A. Yes.</p> <p>19 Q. And you understood from what Mr. Griffin was telling 20 you that he believed the quality department that some 21 of the items that you had stowed were found in the 22 incorrect bins?</p> <p>23 A. Yeah.</p> <p>24 Q. And you don't have any reason to believe that the 25 quality department believed that your items were</p>	<p style="text-align: right;">Page 73</p> <p>1 over for purposes of our record only.</p> <p>2 Are you aware of any other Amazon employee 3 who -- for whom the computer told them to stow items 4 in the incorrect bin?</p> <p>5 A. I don't know their names correctly, but I went to -- 6 I've been going -- I was going to meetings with 7 the -- some of the owner head -- head -- I called 8 them head but the owner of Amazon, you know, 9 according to the headquarters of Kenosha where I 10 worked, his plant, and he would -- there would be 11 like 20 people in the meeting telling him the same 12 thing that I would be explaining to Mr. Griffin about 13 of the computer, yeah. There was like 20 people had 14 the same problem.</p> <p>15 Q. But you don't know who any of those people are?</p> <p>16 A. I don't know their names.</p> <p>17 Q. Did Mr. Griffin tell you that he had received similar 18 complaints to yours from other people, that they were 19 being directed to stow items in a different or 20 incorrect bin?</p> <p>21 A. He said no. But he mentioned to me, you know, I'm 22 going to talk to some other stowers about this. When 23 I first informed to him the computer kept -- keeps 24 saying stowed to the other bin where it's telling me 25 to stow in -- two items or three items of the same</p>

<p style="text-align: right;">Page 74</p> <p>1 physical item in a different bin, yeah.</p> <p>2 Q. So did you understand that Amazon had a policy about</p> <p>3 how many different mistakes you would be allowed to</p> <p>4 make before you would be subject to corrective</p> <p>5 discipline and ultimately discharged?</p> <p>6 A. No.</p> <p>7 Q. Were you aware of their progressive discipline that</p> <p>8 they were following at the time?</p> <p>9 A. No, I was not.</p> <p>10 Q. Have you ever heard of the PEP process? Is that</p> <p>11 something you've heard about?</p> <p>12 A. The PEP process? I heard a little bit about. But I</p> <p>13 didn't think it would be in connection with my</p> <p>14 position up there.</p> <p>15 Q. Why not?</p> <p>16 A. Well, for one, I was a new worker. And then</p> <p>17 secondly, I wasn't in seniority. I thought they only</p> <p>18 do that in seniority.</p> <p>19 Q. So you understood that Amazon was looking for a</p> <p>20 couple things in terms of your performance? I think</p> <p>21 one you mentioned was speed?</p> <p>22 A. Yes.</p> <p>23 Q. Another one would be quality, making sure that you're</p> <p>24 doing your job correctly and stowing the items in the</p> <p>25 correct bin, right?</p>	<p style="text-align: right;">Page 76</p> <p>1 went to was the birthday meeting where it came up the</p> <p>2 question about the computers telling us to stow, us</p> <p>3 stowers to stow something in a different bin and tell</p> <p>4 us to go and move on to the next bin.</p> <p>5 Q. Okay.</p> <p>6 A. So the other ones were cafeteria meetings where they</p> <p>7 would talk -- it was the same thing. They had some</p> <p>8 head people from Amazon would be there and all</p> <p>9 people, all employees who would show up of Amazon at</p> <p>10 certain plants, in that plant that I worked in in</p> <p>11 Kenosha that would be there.</p> <p>12 Q. And other people would complain at that meeting as</p> <p>13 well in the cafeteria --</p> <p>14 A. Yeah.</p> <p>15 Q. -- about computers telling them to incorrectly stow</p> <p>16 items?</p> <p>17 A. Yes. But the last, the last meeting was where the</p> <p>18 20 -- that particular problem I always had that</p> <p>19 Mr. Griffin kept getting from two or three</p> <p>20 departments about me, my performance, job</p> <p>21 performance, was at the birthday meeting.</p> <p>22 Q. I'm sorry, I don't understand your answer. You're</p> <p>23 saying at the birthday meeting was the meeting --</p> <p>24 A. That was the only one really.</p> <p>25 Q. Was the only one where the issue of computers telling</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes. And by the way, that last meeting I went to, I</p> <p>2 went to three meetings where people had the same</p> <p>3 problems of anything I did as a stower that -- of my</p> <p>4 evaluation with Mr. Griffin, the last meeting was in</p> <p>5 March. That was like a week before the week</p> <p>6 Mr. Griffin fired me.</p> <p>7 Q. What was at these meetings?</p> <p>8 A. It was like Amazon had a way, each year, each month,</p> <p>9 to have a birthday meeting. People who were -- who</p> <p>10 had birthdays in that month of that meeting, they</p> <p>11 come to the meeting. And the head owners of Amazon</p> <p>12 would show up and talk to us about if there is any</p> <p>13 problems with the company, do you all have any</p> <p>14 questions, they would ask us employees. And some</p> <p>15 were stowers, some people were from ICQA, some people</p> <p>16 were from two or three other departments at Amazon.</p> <p>17 And those were the people that were there at the</p> <p>18 meetings.</p> <p>19 Q. Just people that had birthdays in that month?</p> <p>20 A. Yeah.</p> <p>21 Q. Then why did you go to three different ones?</p> <p>22 A. I went to three different -- three of them weren't --</p> <p>23 one of them were the birthday ones. The other three</p> <p>24 were in the cafeteria. There would be other meetings</p> <p>25 other than the birthday meetings. But the last one I</p>	<p style="text-align: right;">Page 77</p> <p>1 you to incorrectly stow items came up?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So the other meetings in the cafeteria, those</p> <p>4 were employee meetings, but it wasn't discussed at</p> <p>5 those meetings that people were told to incorrectly</p> <p>6 stow items?</p> <p>7 A. Right.</p> <p>8 Q. Okay.</p> <p>9 A. It was other problems.</p> <p>10 Q. But you can't tell me any of the other people that</p> <p>11 were at the birthday meeting that were expressing</p> <p>12 similar concerns to your own?</p> <p>13 A. I can't tell you the -- who they are. I don't</p> <p>14 know -- right off the bat, I don't know their names.</p> <p>15 Q. Do you know what race the individuals were?</p> <p>16 A. Oh, yeah, I could tell you that. There were three of</p> <p>17 us Black women, there were I think -- see, I'm not --</p> <p>18 that look like they were Arab, two young men that</p> <p>19 looked like they were Arab, and there were a lot</p> <p>20 of -- there were like maybe a few Caucasian young</p> <p>21 females, a few Caucasian males, yeah. Oh, there was</p> <p>22 also, I saw two Black men that were at the meeting as</p> <p>23 well. Those are the -- that's how I estimate 20,</p> <p>24 about 20.</p> <p>25 Q. And all of those people that you described all had</p>

<p style="text-align: right;">Page 78</p> <p>1 the same concern about being directed to improperly 2 stow items by the computer?</p> <p>3 A. Yeah. Because when I heard -- when one person asked 4 them about that, it was one white guy, one young 5 white guy. He looked like he was in his 20s. And he 6 told one of the head owners of Amazon that -- of the 7 headquarters of Kenosha, one of the head managers. 8 And then I saw some people shake their head yes and 9 responded back yes.</p> <p>10 Because he asked everybody else in the -- 11 that were employees in the room do you all have that 12 problem, too, that stow or are temps? There were 13 some that were temps, temp agency employees. And 14 everybody said yeah. So I estimate about 20 people, 15 20 employees. Some of them were walking in and out.</p> <p>16 Q. And you keep saying owners of the facility. But 17 there were no actual owners there, right? They were 18 company managers?</p> <p>19 A. Well, the company managers explained that they own 20 the plant. I mean they gotta put money to -- they 21 got to put money in to buy the computers and money in 22 to --</p> <p>23 Q. You think it was their personal money?</p> <p>24 A. I'm thinking that's what he -- they meant because 25 they was talking like that. Head managers there were</p>	<p style="text-align: right;">Page 80</p> <p>1 But you employees, we need you all to keep 2 coming to the meetings and keep telling us what the 3 problems are of the computers. Then he said 4 personally if you all have to tell us on our office 5 hours, come to our office hours.</p> <p>6 Q. Who was that manager? What's his name?</p> <p>7 A. I can't think of his name. He's a nice guy. One of 8 them was Michael. That one I remember. His name was 9 Michael or Mike. People called him Mike all the 10 time.</p> <p>11 Q. Can you tell me any of the other managers that were 12 at that meeting?</p> <p>13 A. There were two other men. There was another male 14 manager. Well, Mike is Caucasian, and there were two 15 other -- there was a male Caucasian manager that came 16 and there was another one, but I don't know -- I'm 17 thinking he was a manager. They were all Caucasian. 18 They were all young men though. They looked like 19 they were in their 30s.</p> <p>20 Q. Okay. Eventually after working at Amazon through 21 Integrity for awhile you became a full time Amazon 22 employee?</p> <p>23 A. Yes.</p> <p>24 Q. How did that occur?</p> <p>25 A. Okay. I worked a little -- let me see. I worked</p>
<p style="text-align: right;">Page 79</p> <p>1 talking like that. They got to put their money into 2 the computers to improve it all the time. And they 3 spent over -- it's like over \$100 million dollars a 4 year. One head manager said that they got to do, him 5 and other managers at other plants of Amazon got to 6 put in to upgrade the computers. So he said that's 7 why it's important you tell us, employees, you tell 8 us what the problems are with our computers.</p> <p>9 Q. So you believe it was their personal money that they 10 were putting in to upgrade that?</p> <p>11 A. I believe it. I believe it. But they didn't say 12 that exactly. They just said our money.</p> <p>13 Q. So when it was expressed at this meeting that the 14 computers were telling you guys to stow items in the 15 incorrect bins, how did the managers at the meeting 16 or owners or whomever they were, how did they 17 respond?</p> <p>18 A. They complained. One of the head managers sounded 19 like he was complaining. He said you know -- that's 20 when I was telling you the statement. He then stated 21 the statement, you know, we got to put almost -- we 22 managers have to put in almost \$100 million dollars 23 to upgrade our computers of Amazon plants in order to 24 keep it going or to make it right. And he said it is 25 frustrating.</p>	<p style="text-align: right;">Page 81</p> <p>1 graveyard shift which my graveyard shift started from 2 6:00 p.m. to 4:30 a.m. But after a week of working 3 for Integrity my supervisor, our Integrity employee 4 supervisor, because all Integrity Staffing employees 5 had one supervisor that wasn't Amazon, that wasn't a 6 supervisor for Amazon employees. And he was saying 7 that I would work then from 7:00 p.m. to then two 8 hours after 4:30 a.m. because we have to -- there was 9 overtime, mandatory overtime. And I worked four days 10 a week.</p> <p>11 Some -- the third and fourth week of me 12 working for Amazon which might have been in November 13 to December, they asked around Integrity Staffing, 14 "they" meaning the Amazon supervisors, the regulars, 15 could we work an extra day or two due to the fact it 16 was the summer -- I mean the Christmas rush. So I 17 would always say yeah, I could come in. They would 18 ask me, they would say can you come in Saturday? Can 19 you come in Sunday? Can you come in both days? Or 20 can you come in Friday? And usually I was asked if I 21 could work Friday or if I could work Friday and 22 Saturday or if I could work Friday and Sunday. So 23 that's how that came about.</p> <p>24 And the number of hours -- I was told when 25 I had a question that asked one Amazon employee how</p>

<p style="text-align: right;">Page 82</p> <p>1 many hours I have to work to become permanent here? 2 And they told me you just do as much overtime as you 3 can. So that's what I did. I did a lot of overtime 4 as I could to become an Amazon permanent employee. 5 Q. So we're a little bit off track, but I want to go 6 back and ask you, I think you nicely described for me 7 the hours you were working. How much did you get 8 paid while you were working for ISS or for Integrity 9 Staffing?</p> <p>10 A. I was getting paid -- from what I've seen, I was 11 getting paid \$14, \$15 an hour. It was between \$14 12 and \$15 an hour.</p> <p>13 Q. Do you know were you receiving any benefits?</p> <p>14 A. No.</p> <p>15 Q. And then when you were hired on by Amazon, do you 16 recall your rate of pay?</p> <p>17 A. My rate of pay I thought was going to be \$16, \$17 an 18 hour, but it wasn't. It was \$12 and a little 19 roughly -- I give it \$12 something an hour. I don't 20 know exactly how much, but it's \$12 and some cents an 21 hour.</p> <p>22 Q. So you actually made less per hour as an Amazon 23 employee?</p> <p>24 A. Yeah. But the reason why, they mentioned it during 25 orientation when I became permanent was that</p>	<p>1 brought on as a full time Amazon associate, was 2 Mr. Griffin your manager at that time?</p> <p>3 A. He was -- yeah, he was because the last week of 4 February was when he announced to everybody in the 5 beginning of a meeting before each day of work, you 6 know, that he was our new supervisor. So yeah.</p> <p>7 Q. Do you know what role Mr. Griffin played in the 8 decision of Amazon to bring you on as a permanent 9 employee?</p> <p>10 A. No, I do not know.</p> <p>11 Q. But anyway, from the date of this letter it looks 12 like you became at least on paper a full time Amazon 13 employee then effective March 6th of 2016?</p> <p>14 A. That's right, yeah.</p> <p>15 Q. And during your employment with Amazon were your 16 duties and responsibilities as a stoker basically the 17 same throughout your employment?</p> <p>18 A. Yes, it was.</p> <p>19 Q. From this letter it looks like under start day and 20 compensation it looks like that you were paid as you 21 recall \$12 an hour plus a 50 cent per hour shift 22 differential for working that graveyard shift. So 23 you got \$12.50 an hour, does that sound right to you?</p> <p>24 A. Yes.</p> <p>25 Q. And then the other benefits outlined in that letter,</p>
<p style="text-align: right;">Page 83</p> <p>1 benefits, I received benefits. And they would take 2 that -- I seen that out of my payroll paycheck. They 3 would take certain money out of my check each week 4 for benefits. And it was biweekly, so every two 5 weeks I would see that.</p> <p>6 MS. FITZKE: Can we mark that, please?</p> <p>7 (Exhibit 1 marked.)</p> <p>8 BY MS. FITZKE:</p> <p>9 Q. Ms. Timms, showing you Exhibit 1 to your deposition 10 which is a copy of a letter dated March 6th, 2016 to 11 you from Amazon. I understand that this letter sets 12 forth the terms of your employment offer that you 13 received with Amazon?</p> <p>14 A. Yes.</p> <p>15 Q. And if you look at the last page, there is an 16 electronic signature on the last page. Do you recall 17 going into the computer system and typing in your 18 name or electronically acknowledging receipt of this 19 letter?</p> <p>20 A. Yeah, I believe I did. Yeah, I did do this.</p> <p>21 Q. Okay.</p> <p>22 A. It was during orientation.</p> <p>23 Q. I see that Jason Griffin's name is listed as the 24 signature to the letter although I see that he didn't 25 personally sign it. But at the time that you were</p>	<p style="text-align: right;">Page 85</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Did you also -- you said something a moment 4 ago about orientation. Did you also attend an 5 orientation when you became a full time Amazon 6 employee?</p> <p>7 A. Yes, I did.</p> <p>8 Q. And what was -- what did that orientation consist of?</p> <p>9 A. Well, it was a requirement or else it was an 10 automatic termination of Amazon if you didn't show 11 up. They did the same thing they did when I was 12 Integrity Staffing and went to orientation as 13 Integrity Staffing employee, temp agency. They went 14 through the do's and don'ts of Amazon, how to be a 15 good employee and the benefits that Amazon has to 16 offer and the wages and all of the different 17 positions and departments and an example of what each 18 position is supposed to do.</p> <p>19 Q. Did you also review Amazon's policies in terms of 20 harassment and discrimination?</p> <p>21 A. Yes. In orientation they talked about that, too, 22 yes.</p> <p>23 Q. You understood that it was Amazon's policy not to 24 discriminate or treat people unfairly based on their 25 race or age or gender, for example, correct?</p>

<p style="text-align: right;">Page 86</p> <p>1 A. Yes. And I believed them.</p> <p>2 Q. And you understood from your training that if you had</p> <p>3 concerns or complaints that you were being treated</p> <p>4 inappropriately or unfairly because of any protected</p> <p>5 class, age, race, sex, you know, anything like that,</p> <p>6 disability status, that you could raise those</p> <p>7 complaints and should raise those complaints with</p> <p>8 human resources, your manager, a hotline number. You</p> <p>9 understood there was multiple ways that you were</p> <p>10 expected to report those kinds of issues?</p> <p>11 A. Yes.</p> <p>12 Q. And prior to your termination did you have any</p> <p>13 concerns or complaints that you were being treated</p> <p>14 unfairly because of your race or age at Amazon?</p> <p>15 A. I went to one of the head managers to explain that,</p> <p>16 that the reason why -- my third week, after my third</p> <p>17 week with Mr. Griffin giving me evaluation because</p> <p>18 I -- and it was the week of March, and it was before</p> <p>19 the week that he fired me. I was really being scared</p> <p>20 about getting fired. And I went to him, Mike, the</p> <p>21 head manager, one of the head managers I told you</p> <p>22 about that I met at one of the birthday meetings, I</p> <p>23 went to his office because he told everybody in each</p> <p>24 b-day meeting, employees, if you got any problems or</p> <p>25 anything, we could come to his office.</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Did you tell Mr. Mike that you thought Mr. Griffin</p> <p>2 was treating you unfairly because of your race or</p> <p>3 your age?</p> <p>4 A. Yeah. I also mentioned to Mr. Mike could it be that</p> <p>5 I'm getting picked on? Is Mr. Griffin picking on me</p> <p>6 because I'm way older than a lot of employees here at</p> <p>7 Amazon? And then I said especially the stowers. He</p> <p>8 said to me, he said to me no, I don't think that's</p> <p>9 it. He don't think so. But he laughed a little bit</p> <p>10 and he said well, I don't think that might be it</p> <p>11 but -- he didn't know. He didn't know. He said he</p> <p>12 didn't know. But he don't think that's it. He just</p> <p>13 think that I should calm down and just keep doing the</p> <p>14 job I've been doing. And if I have anymore questions</p> <p>15 or, you know, a fearness of issues, come -- go back</p> <p>16 to his office.</p> <p>17 Q. So --</p> <p>18 A. So that was it.</p> <p>19 Q. Okay. Did you tell -- other than to question whether</p> <p>20 you might be treated different because you're older</p> <p>21 than other stowers, did you tell Mike that you</p> <p>22 thought you were in fact being treated unfairly</p> <p>23 because of your age?</p> <p>24 A. Yeah, I told him I really think I might be -- I think</p> <p>25 Mr. Griffin -- he said -- yeah, when he laughed a</p>
<p style="text-align: right;">Page 87</p> <p>1 So that's why I went to his office before</p> <p>2 -- it was a day, one day before work to explain to</p> <p>3 him that I believed them not -- I'm getting a lot of</p> <p>4 evaluation from Mr. Griffin, and I am fearing that he</p> <p>5 may let me go. And I explained to him in his office</p> <p>6 what we all have to do. What is it that I do and</p> <p>7 what is my job at Amazon? And I told him, I'm a</p> <p>8 stower. Then he explained to me, okay, go by the</p> <p>9 steps of what a stower is supposed to do. What do</p> <p>10 you do on the floor.</p> <p>11 And I told him. I told Mr. Mike that. I</p> <p>12 told him exactly what I do step-by-step. I explained</p> <p>13 it to him. I went step-by-step on how to stow a bin</p> <p>14 which is my job. And I explained to him what all the</p> <p>15 things I have to look for and not look for and all</p> <p>16 the precautions and what all I have to do if I have</p> <p>17 questions.</p> <p>18 Then Mr. Mike said okay, you know, he told</p> <p>19 me take it easy, take a deep breath, inhale, exhale,</p> <p>20 then, you know, just be calm. He don't think -- he</p> <p>21 didn't think I was going to get fired. He said I</p> <p>22 don't think you're going to get fired. Just keep</p> <p>23 doing what you've been doing. From what you're</p> <p>24 telling me, you're doing your job right. That's what</p> <p>25 Mr. Mike said in his office.</p>	<p style="text-align: right;">Page 89</p> <p>1 little bit and he said no, I don't think so. I said</p> <p>2 you know, I think he is picking on me because I might</p> <p>3 be older than a lot of stowers that are here.</p> <p>4 Because I told Mr. Griffin -- I told Mr. Mike, this</p> <p>5 is when I was in the office with Mr. Mike, I also</p> <p>6 told Mr. Mike because I see -- I told Mr. Mike, I see</p> <p>7 other stowers, him going to other stowers' stations</p> <p>8 and just walk past them and they don't get an</p> <p>9 evaluation. I get an evaluation.</p> <p>10 Q. Do you know the other stowers that Mr. Griffin was</p> <p>11 walking past, do you know if they were having any</p> <p>12 kind of performance troubles or counseling or having</p> <p>13 complaints made from other departments about how they</p> <p>14 were stowing items?</p> <p>15 A. Sometimes there be two or three stowers I could see</p> <p>16 from my station of him walking past and just saying</p> <p>17 hi, whatever, that I did personally know but didn't</p> <p>18 know their names by heart and would talk to them, say</p> <p>19 hi, conversate before our meeting of the day start.</p> <p>20 And they would -- I would tell them, you</p> <p>21 know, I think I'm going to get fired. I really think</p> <p>22 so. And then I told -- used to tell them, seriously,</p> <p>23 they would not -- they would think I'm kidding. I'm</p> <p>24 older than all you all. I might be getting fired</p> <p>25 soon because he keeps going to my station. He keeps</p>

<p style="text-align: right;">Page 90</p> <p>1 going to y'all -- he don't go to your station. They 2 all said -- there is always three or four young 3 people that I was sort of friends with that were 4 stowers that I would see and tell them yeah, I think 5 I'm getting fired. Mr. Griffin keep coming to my 6 station and keep giving me evaluations. He's not 7 doing that to y'all. And I think it's because I'm 8 way older than you are. I'm going to leave.</p> <p>9 And they would be like well, we don't -- 10 I'm like y'all don't have no problems? And they're 11 like no, we don't get any -- we get evaluated, but 12 there is nothing he tells us that -- to warn us that 13 we might get fired. I told them that that's what he 14 be telling me.</p> <p>15 Q. And my question to you is do you have any information 16 that any of the other stowers that you're claiming 17 Mr. Griffin would walk by, if Mr. Mr. Griffin was 18 receiving complaints from ICQA or other departments 19 about their performance or if they -- their 20 performance was otherwise subject to counseling or 21 discipline because of the way they were stowing 22 items?</p> <p>23 A. See, I don't have nothing on tape. I don't have 24 nothing of a voicemail. I don't have a text message. 25 Only by what the conversation at the time.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. One of them is -- one of them I think she's mixed, 2 one is African American. And they're real cool. And 3 another one, she was -- she was like -- she was like 4 new. She was like real new at the time. This was 5 the first week in March, and it was a day -- it was 6 one day of the week before our meeting of the day. 7 And it was one that was just new, just got hired from 8 Amazon, just got hired.</p> <p>9 Q. Do you know what race she was?</p> <p>10 A. She's African American. She was skinny, African 11 American young girl. All of them young, younger than 12 me. In their 30s.</p> <p>13 Q. So that's three people. You described two African 14 American women and one woman you thought might be 15 mixed.</p> <p>16 A. Um-hum.</p> <p>17 Q. What race was the fourth person?</p> <p>18 A. There was -- he was White, but he was an employee 19 before -- two of them, by the way, were employees 20 before I was. They were permanent -- they were there 21 a whole year before I was at Amazon. Whole two, two 22 years.</p> <p>23 Q. You don't know their ages?</p> <p>24 A. I don't know them exactly, but they are in their 25 early 30s. Because I asked them when I first met</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Okay. That's my question to you. Did those 2 employees, those other stowers, did they tell you 3 that Mr. Griffin had also indicated he received 4 complaints about their performance from ICQA or any 5 other department?</p> <p>6 A. They told me that they don't know. They told me they 7 don't have complaints like mine.</p> <p>8 Q. And did those employees tell you that they were 9 receiving verbal counselings or written or final 10 warnings as a result of any of their improper 11 stowing?</p> <p>12 A. Like I said before, they say no, we didn't -- we 13 don't get that. When I tell them that he does this 14 to me when I get evaluated, they say no. I say do 15 they -- does he do that to you all when you all get 16 evaluated? They said no.</p> <p>17 Q. Are you aware of any facts that would indicate that 18 those other employees were improperly stowing items?</p> <p>19 A. No, I don't have any evidence or --</p> <p>20 Q. And the other employees, the other stowers that 21 you're referencing that you spoke to that you 22 referenced as people you were presently with, who are 23 they? What are their names?</p> <p>24 A. See, I don't know their names by heart.</p> <p>25 Q. What race are they?</p>	<p style="text-align: right;">Page 93</p> <p>1 them oh, are you all in your 40s? And they said no. 2 You're all my generation X. They was like generation 3 X, what's that? It's like they're 40 years or older, 4 40 to 58. They said oh, no. And you're not that -- 5 and then they said girl, you're not that old. I said 6 yes, I am. How old do you think I am? And they were 7 like oh, my goodness. I think you old as us and 30 8 something, 31, 32. I'm like no, I'm not. But thank 9 you. Yeah.</p> <p>10 Q. Okay.</p> <p>11 A. But yeah. The fourth one was a guy, and he was from 12 New York. I don't remember his name. I tried to 13 memorize it because it's so simple, but he was there 14 for a year-and-a-half, too.</p> <p>15 Q. So I want to go back to your meeting that you had 16 with Mike.</p> <p>17 A. Um-hum.</p> <p>18 Q. Did you tell the manager Mike that you thought 19 Mr. Griffin was treating you unfairly because of your 20 race?</p> <p>21 A. I didn't mention race.</p> <p>22 Q. You didn't?</p> <p>23 A. No. I mentioned my age. My age.</p> <p>24 Q. Did you make any complaints or reports to any other 25 member of management or human resources before your</p>

<p style="text-align: right;">Page 94</p> <p>1 termination that you thought you were being treated 2 unfairly because of your age or race? 3 A. No, I didn't, didn't do that. 4 Q. Okay. Did you receive as part of your orientation 5 with Amazon a copy of an employee handbook or 6 something called an owners manual? 7 A. Yes. I got two of them, one when I was hired with 8 Integrity in the orientation of that time and last 9 year, and then one with Amazon. 10 Q. And when you received those policies as part of the 11 orientation, were the policies reviewed with you? 12 A. Yeah. They explained it, after they gave -- before 13 they -- it was after they handed us the manual in 14 orientation, they went page to page to page. And 15 they had a, I don't know what you call it, a big 16 screen to show page to page to page. 17 Q. Okay. 18 MS. FITZKE: Can we go ahead and mark 19 that. 20 (Exhibit 2 marked.) 21 BY MS. FITZKE: 22 Q. Showing you Exhibit 2 to your deposition, Ms. Timms. 23 Is that a copy of the owners manual that you received 24 following your hire by Amazon? 25 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I asked him. I didn't know. Before I asked him, why 2 am I getting evaluated every week? Aren't we 3 supposed to get evaluated every three weeks? And I 4 told him, I asked him, isn't that the process of a 5 regular job to get evaluated every three months or, 6 you know, every six months, you know? And those were 7 my exact words to him. And then he told me that he 8 has to come to me whenever he has a complaint with 9 two or three departments. And it happens to be every 10 week. 11 Q. And so did you understand that he was reviewing you 12 more often because he had been receiving complaints 13 about you? 14 A. Yeah, he -- and I was trying to tell him that -- I 15 couldn't tell him anything actually. I was just 16 trying to ask him can it be three months or four 17 months where it prolonged -- I did ask him that like 18 the third week he evaluated me. Could the next one 19 be in three months to evaluate me or four months so I 20 could prolong my job. Because I don't want to get 21 fired. 22 Q. And did Mr. Griffin tell you that wasn't an option, 23 that he needed to keep evaluating you until there was 24 either no more complaints or demonstrated 25 improvement?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And did you also through the computer system, did you 2 acknowledge some of the policies that you received? 3 A. Yes. I'm familiar with the policies I received from 4 what they stated, yeah. 5 Q. And you did in fact acknowledge some of those. Do 6 you recall doing that, acknowledging some of them in 7 the computer system? 8 A. Yes. Because during orientation they had us also, 9 because we would one-by-one go to a computer during 10 the orientation while a supervisor was explaining 11 from the head, I guess it's a -- I don't know, a 12 video, video, the video screen or something with the 13 manual, physical manual to show everybody in big 14 screen page-by-page. They had each of us employees 15 go on the computer to look at this also, back again, 16 read this again and electronically sign -- 17 Q. Um-hum. 18 A. -- certain documents we had to do. 19 Q. Okay. Great. You can set that aside then. With 20 regard to Mr. Griffin, did you believe you had a good 21 working relationship with him? 22 A. I believed I did until he started evaluating me every 23 week. 24 Q. Okay. And do you know why he was evaluating you 25 every week?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yes. 2 Q. And in terms of Mr. Griffin, did he ever make any 3 comments to you, any inappropriate comments to you 4 about your age or your race? 5 A. No, he didn't. 6 Q. And did you ever hear Mr. Griffin make comments at 7 all or hear about him having made comments that were 8 inappropriate as it pertains to age or race? 9 A. No. 10 Q. And did you ever hear any other member of Amazon 11 human resources or management make any comments that 12 you believe to be inappropriate, race related or age 13 related comments? 14 A. In terms of my job? 15 Q. While working in the Amazon facility did you hear any 16 member of management or HR, human resources, make 17 comments that you believed to be inappropriate due 18 to -- inappropriate age related or race related 19 comments? 20 A. Not by -- no, no, not by anybody supervisor. But I 21 would see people leave Amazon, a lot of older people 22 leave Amazon, leave their station that were my 23 generation, looked like they were in their 40s or 24 looked like they were in their 60s or older. 25 Q. What do you mean you would see them leave Amazon?</p>

<p style="text-align: right;">Page 98</p> <p>1 Are you saying they were fired?</p> <p>2 A. Yeah. Yeah. Because how they do it, how supervisors</p> <p>3 at Amazon do fire people is that they don't -- no one</p> <p>4 knows. The person comes, gets off their -- a</p> <p>5 supervisor will come to a person's station and would</p> <p>6 take them to the office or say can you come to my</p> <p>7 office. Or you would just see them -- see a</p> <p>8 supervisor point them to follow them. And you don't</p> <p>9 see that person no more. Then I would hear other</p> <p>10 people talk about did you hear so and so, he got</p> <p>11 fired.</p> <p>12 Q. Are you claiming that --</p> <p>13 A. She got fired.</p> <p>14 Q. Are you claiming that there are other Amazon</p> <p>15 employees who were fired because of their age?</p> <p>16 A. Yes.</p> <p>17 Q. And who are those employees?</p> <p>18 A. I don't know them personally, by person.</p> <p>19 Q. And what, if anything, do you know about the</p> <p>20 circumstances of their termination?</p> <p>21 A. Only thing I know is that of what I have heard a</p> <p>22 person say that so-and-so in station 2 or so-and-so</p> <p>23 in station 3, and my station would be probably in</p> <p>24 station 5 --</p> <p>25 Q. And do you know --</p>	<p style="text-align: right;">Page 100</p> <p>1 A. They work -- no, they worked in different areas,</p> <p>2 different section, area of one main level.</p> <p>3 Q. Okay.</p> <p>4 A. But it's very few. It's like 10 or so. And the big</p> <p>5 building, that's where I worked a lot where I asked</p> <p>6 too, requested and begged HR if I could stay working</p> <p>7 in that building because it was a nice building and</p> <p>8 it was a big building and I liked working there. Our</p> <p>9 stowers are stationed in floor levels of different</p> <p>10 sections, again, of different areas of the building.</p> <p>11 Q. Okay. And --</p> <p>12 A. Different side, side of -- parts of the building,</p> <p>13 yeah, different side.</p> <p>14 Q. When you said you wanted to keep working in the big</p> <p>15 building, were you allowed to keep working in the big</p> <p>16 building?</p> <p>17 A. Yes, I was.</p> <p>18 Q. And do you know how Amazon management would decide</p> <p>19 where they were going to assign the various stowers</p> <p>20 that were on any given shift?</p> <p>21 A. Yeah. We know in advance. We stowers know in</p> <p>22 advance. We know on the -- during our -- the meeting</p> <p>23 of the day, the meeting of the day.</p> <p>24 Q. I guess my question was something slightly different.</p> <p>25 Do you know how management decides where they're</p>
<p style="text-align: right;">Page 99</p> <p>1 A. -- were gone.</p> <p>2 Q. Those older individuals that you claim were</p> <p>3 terminated, do you know anything at all about their</p> <p>4 job performance?</p> <p>5 A. No, I don't.</p> <p>6 Q. And in terms of being -- you were a stower your</p> <p>7 entire time for Amazon. And is there a certain area</p> <p>8 of the facilities where all of the stowers work?</p> <p>9 A. There is not -- you mean a particular section or</p> <p>10 floor?</p> <p>11 Q. A particular place, yeah. One area. Are all the</p> <p>12 stowers in the same area? Are they spread about the</p> <p>13 facility? Where are stowers located in the building?</p> <p>14 A. They are stow -- I mean the stations of stowers are</p> <p>15 in certain areas.</p> <p>16 Q. Okay. And where are those areas?</p> <p>17 A. Fixed areas. They're in -- Amazon has two buildings.</p> <p>18 One is the old building, their first building they</p> <p>19 built. It's a small building. There is a few</p> <p>20 stowers on one floor I believe, yeah, one floor in</p> <p>21 that building.</p> <p>22 Q. Did you ever work in that building?</p> <p>23 A. Yes, I have.</p> <p>24 Q. And the stowers that work in that building all work</p> <p>25 in the same area?</p>	<p style="text-align: right;">Page 101</p> <p>1 going to place each one of the stowers and how they</p> <p>2 make the decision about which area you're going to be</p> <p>3 put into?</p> <p>4 A. No, I don't know that.</p> <p>5 Q. Are all of the areas where the stowers work, are they</p> <p>6 typically towards the back end of the buildings?</p> <p>7 A. Yes, yes. And I was always in the back end of the</p> <p>8 building.</p> <p>9 Q. Because that's where the stower function is</p> <p>10 performed, right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Because as the merchandise comes into the</p> <p>13 building, one of the -- as we talked about, one of</p> <p>14 the first areas it goes through is the stower area,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. So -- okay.</p> <p>18 A. They're located in the front end of the building,</p> <p>19 too, though, and the back end of the building. It's</p> <p>20 like wings, a wing side, a part of the building, wing</p> <p>21 one, wing two, wing back, wing front.</p> <p>22 Q. Okay.</p> <p>23 A. The front would be like where the entrance is where</p> <p>24 people come in.</p> <p>25 Q. Is there any difference in the kind of items that are</p>

<p style="text-align: right;">Page 102</p> <p>1 stowed from the back end of the building versus the 2 front end of the building?</p> <p>3 A. Sometimes. It depends on -- it depends on the 4 product. There are different products. And stowlers 5 don't always have the same products to stow. There 6 are different boxes from different -- and different 7 companies and different items.</p> <p>8 Q. Did you notice that most people had a normal area, if 9 you will, where they worked, a normal job assignment 10 that they would typically be assigned as a stowler to 11 work in the same area shift and shift?</p> <p>12 A. No, because that's not Amazon -- that's not how the 13 managers worked. That's now how it go because they 14 told us in orientation, every employee was told in 15 orientation, and they say that in orientation when 16 they first hire you, every employee may have to work 17 in a different area of the building as a stowler if 18 you were a stowler.</p> <p>19 Q. And did that happen for you? Did you work in 20 different areas of the building?</p> <p>21 A. Yes. They assigned me to different buildings, 22 different areas, all the time.</p> <p>23 Q. So one of your allegations in this case is that 24 because of your skin color you were assigned to work 25 in the back of the building.</p>	<p style="text-align: right;">Page 104</p> <p>1 be assigned back there because that's operationally 2 where the company needed help?</p> <p>3 A. One of the, yeah, one of the places, yeah.</p> <p>4 Q. And what facts do you have that would support your 5 conclusion that you were in fact assigned to the back 6 of the building or in an upstairs location because of 7 your race?</p> <p>8 A. I don't have any physical fact, no video, no pictures 9 or none of that.</p> <p>10 Q. Well, and not just videos or pictures but are there 11 any facts that you have, information of any kind that 12 would support a conclusion that your job assignment 13 in the back of the building was based on your race?</p> <p>14 A. I don't have anything physical to state that.</p> <p>15 Q. And do you have any facts or evidence that would 16 support a conclusion, any information of any kind 17 that you were assigned to the back of the building or 18 an upstairs location because of your age?</p> <p>19 A. No, I don't.</p> <p>20 Q. Okay. And one of the allegations in the complaint is 21 that you would be placed there in the back of the 22 building or in the upstairs because the company had 23 the CEO or famous people come through, they wouldn't 24 see you, for example. Do you recall making that 25 allegation?</p>
<p style="text-align: right;">Page 103</p> <p>1 A. Most of the -- most of the time I was working in the 2 back, their back section, back of the building.</p> <p>3 Q. And is that where most of the stowing is performed?</p> <p>4 A. No. Most of the stowing is performed in the middle, 5 middle area of the building. Sometimes in the front 6 of the building.</p> <p>7 Q. Okay. And do you know --</p> <p>8 A. No, not in the back because I would not have -- they 9 would -- I would sometimes have stall 5 or 10 minute 10 time to wait for some more product to come to me, 11 boxes and stuff to come to me.</p> <p>12 Q. Do you know why -- how the company made the decision 13 to place you in the spot you were placed on each 14 shift?</p> <p>15 A. No, I do not know why. And sometimes I was asked -- 16 I asked the supervisor. I would ask Mr. Griffin.</p> <p>17 Q. And what did he tell you?</p> <p>18 A. He would tell me well, you know, we can only -- us 19 managers can only assign you according to where we 20 got places to -- that we need help in right away. We 21 need the work, the job done right away.</p> <p>22 Q. Okay.</p> <p>23 A. But it was all -- but most of the time, 80 percent of 24 the time, I was always in the back.</p> <p>25 Q. Okay. So Mr. Griffin explained to you that you would</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Yes, I do.</p> <p>2 Q. You understand the CEO of the company is Jeff Bezos?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Did Mr. Bezos ever come through the facility on your 5 shift?</p> <p>6 A. He did, but I would never see him.</p> <p>7 Q. Did he come through -- you said you worked the 8 overnight graveyard shift?</p> <p>9 A. Yes.</p> <p>10 Q. Was Mr. Bezos in the Amazon facility in Kenosha, 11 Wisconsin during one of your shifts?</p> <p>12 A. I heard he was. I heard he was, but I never saw him.</p> <p>13 Q. Who told you Mr. Bezos was there?</p> <p>14 A. It was -- like I -- two or three girls that I used to 15 talk to on the day of the -- each -- before, whenever 16 I -- I only see them the beginning of the shift, you 17 know, during the meeting.</p> <p>18 Q. Fair to say that you heard a rumor that Mr. Bezos was 19 there?</p> <p>20 A. Yeah, right.</p> <p>21 Q. But you don't know if it's true or not?</p> <p>22 A. Right.</p> <p>23 Q. Are you aware of any other famous people who were at 24 the Kenosha, Wisconsin Amazon facility during one of 25 your overnight shifts while you worked there?</p>

<p style="text-align: right;">Page 106</p> <p>1 A. Yeah, I heard that the governor was there, came, and 2 but I wasn't -- I didn't know. I didn't see, again. 3 Somebody told me. 4 Q. So you don't know one way or the other whether the 5 governor was actually there? 6 A. Oh, you know what, the governor, yeah, because one of 7 the meetings, two or three of the managers of the 8 cafeteria meeting mentioned he was there. 9 Q. And -- 10 A. So that's a fact, yeah. 11 Q. Well, and he may have gone to the facility. Do you 12 know if he was there during the overnight hours that 13 you worked? 14 A. That I do not know. They didn't say what time 15 actually he was there. He came to one of the 16 buildings. 17 Q. Okay. And did any of the -- any other famous people 18 come to the Amazon facility during one of your shifts 19 while you worked there? 20 A. Not that I know of. 21 Q. Do you have any facts that would support a 22 conclusion, any information of any kind that your job 23 assignment was in any way associated with the desire 24 to not have Mr. Bezos or any other potentially 25 important or famous people not see you?</p>	<p style="text-align: right;">Page 108</p> <p>1 physical location assignment within the facility, was 2 in any way related to your age or race? 3 A. I was not aware. I don't have any physical evidence 4 again, no -- I don't have a petition to prove it. 5 Q. And you understand that you have made claims of age 6 discrimination and race discrimination in this case? 7 A. Yes. 8 Q. And who do you claim discriminated against you? 9 A. With age discrimination, I believe it was 10 Mr. Griffin. 11 Q. Okay. And do you claim that Mr. Griffin is also the 12 one that discriminated against you because of your 13 race? 14 A. Not only -- no, because of my age. 15 Q. Okay. 16 A. I believe it's because of my age. He was -- I've 17 seen him be cool with other people that were African 18 American. But I also think HR department is also 19 involved with me being fired because of my age as 20 well because they are in charge to hire and fire 21 which the head woman, the woman that was the 22 supervisor in the office with me and Mr. Griffin, she 23 was in charge, one of the head managers' boss of HR. 24 Q. And did you tell me you can't remember her name? 25 A. I can't remember her name, no.</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Yeah, see, I don't have any -- no, no written 2 evidence, no petition. Because of the fact that 3 Amazon don't -- they refuse to have anyone do any -- 4 bring anything in as video, camera or your cell 5 phone, couldn't bring that in. I was -- they told 6 me -- I was told when Mr. Griffin fired me, I was 7 told I couldn't go back on the premises to get a 8 petition because I was -- on the day he fired me, in 9 that office, when me and -- head supervisors, I asked 10 him is it possible I could come back here to possibly 11 get, you know, some evidence just in case? He said 12 just in case what? I said just in case I may need it 13 like a petition of people I might have known, I might 14 have talked to, was cool we're here, did work with. 15 He said no, you can't be -- you can't -- you're not 16 allowed on any part of the premises after our meeting 17 other than being only in the area where security is, 18 window, the window. 19 Q. And so it's fair to say -- 20 A. He told me the lobby entrance, right. 21 Q. Fair to say as you sit here today with the 22 information that you know today, you're not aware of 23 any information or facts, actual facts, that support 24 your conclusion that your job placement was in any 25 way, and when I say job placement, I mean your</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. And I don't want to take what you've said out of 2 context. So if I have, please correct me. But as 3 I'm hearing you, I'm hearing that you are not 4 accusing Mr. Griffin of having terminated or Amazon 5 of having terminated your employment because of your 6 race; is that right? 7 A. Yes. 8 Q. So really your claim in this case is that you were 9 terminated because of your age? 10 A. I believe I was terminated because of my age. 11 Q. Okay. 12 A. Because Amazon has now 50 percent African American 13 workers there, 50 percent Caucasian workers and other 14 races. But they have, it looks like they have 10 15 percent of us people that are in their 40s and older 16 and the rest is young people. So a lot of young 17 people working for Amazon. 18 Q. So although you asserted a claim of race 19 discrimination in this case, am I understanding you 20 correctly, and please, again, correct me if I'm 21 wrong, but am I understanding you correctly that 22 based on further consideration, you no longer believe 23 that you were discriminated against based on your 24 race at Amazon? 25 A. Yes, just the age.</p>

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<p style="text-align: right;">Page 110</p> <p>1 Q. Okay.</p> <p>2 MS. FITZKE: Why don't we take a short</p> <p>3 break.</p> <p>4 (Recess taken.)</p> <p>5 BY MS. FITZKE:</p> <p>6 Q. Going back on the record then after our break, so we</p> <p>7 talked a little bit -- we started talking a little</p> <p>8 bit about your discrimination claim before the break,</p> <p>9 and I want to just kind of circle back and say, you</p> <p>10 know, when was the first time you claim that you were</p> <p>11 subject to any unfair or discriminatory treatment</p> <p>12 based on your age while you worked for Amazon?</p> <p>13 A. It was when the third evaluation came, when</p> <p>14 Mr. Griffin came to my station.</p> <p>15 Q. The third evaluation?</p> <p>16 A. Um-hum.</p> <p>17 Q. Is that a yes?</p> <p>18 A. Yes.</p> <p>19 Q. And was that the one you were describing in late</p> <p>20 February?</p> <p>21 A. It would be the first week in March.</p> <p>22 Q. First week in March?</p> <p>23 A. It would basically be the first week in March. I'm</p> <p>24 sorry, the second week in March. No, it would be the</p> <p>25 second week.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. No, I'm saying that the computer, whatever was on the</p> <p>2 computer, the printouts, that was also what they</p> <p>3 stated on there, the departments that the verbal --</p> <p>4 it was the same thing.</p> <p>5 Q. Some of the -- I want to make sure I understand.</p> <p>6 Correct me if I'm wrong, like you did last time, that</p> <p>7 was good. So the departments that complained that</p> <p>8 you had stowed incorrectly, they base their</p> <p>9 conclusions that you had stowed incorrectly based on</p> <p>10 some computerized reports, and Mr. Griffin then</p> <p>11 relied on those computerized reports?</p> <p>12 A. Yes.</p> <p>13 Q. And -- okay. Well, let's talk then about some of the</p> <p>14 performance feedback that you got while you worked</p> <p>15 for Amazon. And we're going to do that by walking</p> <p>16 through I think some documents that I have in front</p> <p>17 of me. And we'll -- I'll share them with you as we</p> <p>18 kind of go through the time sequence here.</p> <p>19 (Exhibit 3 marked.)</p> <p>20 BY MS. FITZKE:</p> <p>21 Q. Ms. Timms, showing you Exhibit No. 3 to your</p> <p>22 deposition, are you familiar with these -- the format</p> <p>23 of this document, the supportive feedback document?</p> <p>24 A. Yes, I am.</p> <p>25 Q. And when there was occasion for management to talk to</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Okay. So in terms of the counseling that you might</p> <p>2 have received before that, you didn't have any reason</p> <p>3 to disagree or believe that the counseling was</p> <p>4 motivated by your age?</p> <p>5 A. In terms of before the second week in March? That</p> <p>6 way?</p> <p>7 Q. Um-hum.</p> <p>8 A. No, I don't think so.</p> <p>9 Q. We talked before the break about how a couple of the</p> <p>10 other departments had made complaints about your</p> <p>11 stowing to Mr. Griffin. Did you understand that the</p> <p>12 computer system had also flagged some issues with</p> <p>13 your performance?</p> <p>14 A. The -- yeah. He showed me -- Mr. Griffin showed me</p> <p>15 that there was computerized printouts of my</p> <p>16 performance. And he stated that that's one reason</p> <p>17 why he go by the evaluation. It's mostly by those,</p> <p>18 those statements that the computer states which is</p> <p>19 what the complaints were of the other two departments</p> <p>20 of my performance.</p> <p>21 Q. So Mr. Griffin was relaying to you that he placed</p> <p>22 greater reliance on the computer's reports about your</p> <p>23 stowing than he did on some of the verbal feedback</p> <p>24 that he got about your performance, is that what</p> <p>25 you're saying?</p>	<p style="text-align: right;">Page 113</p> <p>1 you about how you were performing or to give you one</p> <p>2 of these supportive feedbacks, did your manager have</p> <p>3 a document that looked like Exhibit No. 3 in front of</p> <p>4 him?</p> <p>5 A. Yes, he did.</p> <p>6 Q. And this document that we've marked as Exhibit 3</p> <p>7 under communication history identifies that you</p> <p>8 received a documented verbal warning on January 21 of</p> <p>9 2016. Do you have any reason to dispute that you</p> <p>10 received a documented verbal warning on that date?</p> <p>11 A. No.</p> <p>12 Q. And were the performance feedback that you received,</p> <p>13 was it typically related to having stowed items in an</p> <p>14 incorrect place?</p> <p>15 A. I believe that might have been. Because he said --</p> <p>16 every evaluation that's what he stated.</p> <p>17 Q. Okay. I probably should have started this one in</p> <p>18 time, but let's go ahead and look at what we're going</p> <p>19 to mark as Exhibit 4.</p> <p>20 (Exhibit 4 marked.)</p> <p>21 BY MS. FITZKE:</p> <p>22 Q. Showing you now Exhibit 4 which is another supportive</p> <p>23 feedback document. This one is a documented verbal</p> <p>24 warning for -- and it indicates quality. On the</p> <p>25 bottom of the page there is associate signature, and</p>

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<p style="text-align: right;">Page 114</p> <p>1 it looks like your signature, Athena Timms; is that 2 right? 3 A. Yes. 4 Q. And did you sign this document on or about February 5 18 of 2016? 6 A. Yeah, I did sign that. 7 Q. And the manager's signature below is kind of 8 impossible for me to read. Do you recall which 9 manager you reported to at that time or who -- 10 A. This was Integrity Staffing supervisor. 11 Q. Okay. 12 A. I can't think of his name. I visualize his face, but 13 I don't know his name. 14 Q. Okay. And this is a documented verbal warning that 15 you received in conjunction with your stowing 16 activities, correct? 17 A. Yes. But that was before I was an Amazon employee. 18 Q. Correct. So the Integrity folks that were 19 supervising you at the time drew the conclusion that 20 it was necessary to give you a documented verbal 21 warning, correct? 22 A. This wasn't a verbal warning really. He told me, he 23 said this is just my -- this is just an evaluation. 24 But all in all, it's excellent. 25 Q. You were told that this was excellent?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And under -- above that under communication history, 2 it notes that you received a documented verbal 3 counseling on 11-5 of 2015, do you see that there? 4 A. Yeah, um-hum. 5 Q. And you did in fact receive that documented verbal 6 counseling identified in Exhibit No. 4 on November 7 5th of 2015? 8 A. I did receive it you asked? 9 Q. I'm asking you, you don't have any reason to dispute 10 that you received a documented verbal counseling 11 relating to your performance on November 5th of 2015? 12 A. Oh, no. 13 Q. And that that counseling was critical of your 14 performance? 15 A. Yeah, right. 16 Q. And I assume that part of the counseling was to give 17 you information or counseling in term of how you 18 could improve your performance? 19 A. Yeah. 20 Q. And in this meeting that you had on February 18 of 21 2016 with the Integrity supervisor, did you also 22 receive feedback in that meeting regarding how you 23 could improve your performance? 24 A. Yeah. He told me that, you know, I'm doing a good 25 job, just -- he was trying to tell me, ask me how I</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Um-hum. I was told this was an excellent evaluation. 2 Q. And who was the Integrity Staffing person that told 3 you this was excellent? 4 A. I can't think of his name. But he was an Integrity 5 Staff like a supervisor. He did like a supervisory 6 job, things that a supervisor at Integrity Staffing 7 would do, yeah. He was Integrity Staffing employee, 8 but I don't know what his position really, really 9 was. He was informed to get me the evaluation. He 10 told me was assigned to come to me, talk to me. But 11 he said it was an excellent evaluation. He said I'm 12 doing an excellent job. 13 Q. Under details of current incident/specific concerns, 14 it's noted that there was -- under the performance 15 column there is a number 1. Do you know what that 16 means? 17 A. He told me, but I forgot what it meant. But he said 18 that it's supposed to be -- it's really a good -- all 19 in all, it's a good -- the evaluation was good. But 20 he told me, but I forgot what that meant. 21 Q. Did you understand that the 1 performance, it was an 22 issue of poor performance? 23 A. Oh, yeah, yeah. But he said because it was on a 24 point system or something. But he said that all in 25 all I'm doing a good job.</p>	<p style="text-align: right;">Page 117</p> <p>1 stow physically, physically. So I had to show him 2 physically how I was -- I stow. And he said -- he 3 gave me some pointers on how I should stow correctly, 4 physically, because you had to -- if it's the low 5 bins, you had to fill in, you had to stow, fill in, 6 put in retail items. You would have to bend, not 7 just -- you have to get on your knees and bend and 8 not just bend over to put -- because he was telling 9 me that he didn't want me to hurt my back because 10 there had been issues on the job that a lot of 11 employees had back problems. 12 Q. And so just to confirm then, when you received the 13 supportive feedback that was documented in Exhibit 14 No. 4 that's identified as a quality documented 15 verbal, you do acknowledge that an incident of poor 16 performance was discussed with you during this 17 meeting? 18 A. There was no poor performance discussed because 19 Griffin, Jason Griffin, did not give me this. It was 20 Integrity Staffer employee. 21 Q. And I thought we had -- under details of current 22 incidents and specific concerns, there is an item 23 there under performance, there is a number 1. And I 24 thought your testimony earlier was that you 25 acknowledged that that was an issue of poor</p>

<p style="text-align: right;">Page 118</p> <p>1 performance that was documented and then discussed 2 with you in this meeting. Is that incorrect? 3 A. Oh, the 1, I understood what the 1 might have been, 4 but that was not -- this was -- this meeting was not 5 really done in this way. I mean the performance was 6 supposed to be good or whatever, but I don't know. 7 Griffin wasn't here. He gave -- some Integrity 8 staffer had to do my evaluation at this day because 9 Griffin couldn't do it. But I don't understand why 10 he -- and the numbers look like they were different, 11 too. It looked like Griffin -- but Griffin might 12 have wrote a new form from what the Integrity 13 staffer, because this does look different than what 14 the Integrity staffer did. 15 And the Integrity Staff employee, he 16 showed -- supervisor, he showed me the form, this 17 form of my feedback on February 18th, 2016. So I 18 don't think -- 19 Q. Are you now denying that you signed off on this 20 document that's -- 21 A. I did sign on this. But as far as the numbers go and 22 all, that this did not -- this wasn't the same 23 document of the Integrity Staffer employee because 24 he -- the Integrity Staffer employee after he showed 25 me, told me okay, this is something -- tips you can</p>	<p style="text-align: right;">Page 120</p> <p>1 testimony is the document that is Exhibit 4 that you 2 signed, are you claiming that the document that you 3 signed did not have the information under the details 4 of current incident/specific concerns or the 5 performance trend information that we have here on 6 Exhibit No. 4? 7 A. What I'm saying is I don't remember seeing these 8 numbers and my performance being 1. Because he 9 pointed it out to me, the Integrity staffer. 10 Q. Pointed what out to you? 11 A. He pointed out to me the detail current 12 incident/specific concern, he pointed out to me, 13 yeah, all sections of this page and the performance 14 trend. And the numbers were different than this. 15 Q. So you're saying that the numbers that are on Exhibit 16 No. 4 are not the numbers that were on the form that 17 you signed? 18 A. Yeah, right. Because he told me okay, I want you to 19 sign this. And I did sign it. So -- and it was 20 February 18th he came to me. So it must be -- and I 21 don't remember Griffin coming because Griffin didn't 22 come to me that day. Griffin probably had to fill 23 this out which I think he did. And I don't think -- 24 I might have signed two forms because Griffin -- I 25 didn't see Griffin on this day. I saw the Integrity</p>
<p style="text-align: right;">Page 119</p> <p>1 improve your performance of your job. And he showed 2 me physically on what I could do. Bend or -- instead 3 of -- on my knees instead of whenever I -- he was 4 trying to tell me how to stow bins from the bottom of 5 the cart thing and also other pointers of what items, 6 make sure -- telling me make sure I do everything 7 else right that I been doing. 8 Then he showed me a form to sign. And it 9 was in February where he came to my station to sign 10 it on the 18th. I don't remember Griffin coming to 11 see -- because he said he had to take Griffin's 12 place -- 13 Q. Okay. 14 A. -- to evaluate me. 15 Q. And I don't want to talk about Griffin, I want to 16 talk about what you heard from this Integrity 17 Staffing manager in your meeting on February 18, 18 2016. 19 A. He was in my face. 20 Q. Who was in your face? 21 A. Integrity Staffing, he was there, physically. 22 Q. Right. And so what I want to talk about is that 23 meeting and what happened in that meeting. 24 A. Okay. 25 Q. Okay. And what I'm not understanding from your</p>	<p style="text-align: right;">Page 121</p> <p>1 Staffer supervisor or person that took the place of 2 Griffin because he said I'm coming in place of him 3 because I have to do your evaluation. 4 Q. Okay. I don't want to talk about Mr. Griffin. 5 A. Yeah. 6 Q. I want to talk about the form and the information on 7 the form. 8 A. Okay, that's the form, okay. 9 Q. So it's your testimony if I'm understanding you 10 correctly that you did sign the form that is Exhibit 11 No. 4, and that's your signature, and you signed it 12 on February 18, 2016. But the information in the 13 form you signed was different than the information 14 that's in the form that is Exhibit 4? 15 A. Yeah. It looked different. It is different. 16 Q. Is it your testimony that the numbers were different? 17 A. Yes, my testimony the numbers were different. 18 Q. Can you explain to me how the numbers would get in 19 this form after you signed it? 20 A. Only thing I know is that the Integrity Staffer guy, 21 he was Latino American -- yeah, that was his, I'm 22 just explaining to you as describing him, and he was 23 a supervisor, he was doing supervisory things. And 24 he told me that day I'm coming in place of Griffin 25 because he can't come to do your evaluation at this</p>

<p style="text-align: right;">Page 122</p> <p>1 time. So then he told me, he physically did things 2 to tell me things about the job. Then he showed me 3 numbers that weren't like this at all. This was -- 4 he gave me two forms to sign, and the numbers on this 5 form he did not write. He wrote in boxes. He wrote 6 in the boxes, performance and all. My performance 7 wasn't a 1. He didn't write it. That's why I'm like 8 this is weird document I'm seeing of Griffin. But I 9 remember Griffin can fill out a form, of a blank form 10 of me signing something. That has happened before. 11 So I don't know how the numbers were like this.</p> <p>12 Q. Did you sign a form on an Integrity -- see how on 13 the --</p> <p>14 A. Yes.</p> <p>15 Q. -- upper right-hand or upper left-hand corner it says 16 Integrity?</p> <p>17 A. The answer is yes.</p> <p>18 Q. Did you sign a blank supportive feedback document 19 while you were an Integrity employee?</p> <p>20 A. As I recall, yes. Because he showed -- the Integrity 21 Staff Solution showed me that. He showed me two 22 forms to sign. And one didn't -- he didn't have -- 23 one didn't have the numbers in them yet. And another 24 one I saw him write in the boxes, physically write in 25 the boxes.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Showing you, Ms. Timms, what we marked as Exhibit 5 2 to your deposition which is a 5-5-5 stow audit. Do 3 you remember what the 5-5-5 stow audits were?</p> <p>4 A. The 5-5 stow items? Those probably would have 5 been -- I don't really remember, but it was retail 6 items.</p> <p>7 Q. Do you recall there being a process while you were at 8 Amazon, the 5-5-5 process where stowlers such as 9 yourself, they would take five minutes to explain 10 something to you, five minutes to show you and then 11 five minutes watching you do something to see if it's 12 done correctly?</p> <p>13 A. Oh, yeah, yeah, I do remember that.</p> <p>14 Q. And do you understand that the 5-5-5 stow audits 15 would be done with people to help improve and assist 16 their performance?</p> <p>17 A. Yes.</p> <p>18 Q. And do you recall that a 5-5-5 stow audit was 19 completed with you the day after you signed that 20 performance -- or excuse me, signed that supportive 21 feedback document on 2-18?</p> <p>22 A. Yeah, that's true.</p> <p>23 Q. And do you recall who did the 5-5-5 stow audit with 24 you?</p> <p>25 A. It was a supervisor -- female supervisor. I can't</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. Where did he get the information to write the numbers 2 in the boxes?</p> <p>3 A. No, he wrote -- he was writing comments or something, 4 and then a number. I guess of, you know, performance 5 and all that. Sometimes supervisors do that. But 6 that's what I would think. That's what I remember. 7 And I don't remember these numbers being this -- 8 these numbers on this document.</p> <p>9 Q. Would you agree with me that the numbers on this 10 document are not reflective of excellent performance?</p> <p>11 A. Yes, I agree. But --</p> <p>12 Q. Do you have any reason to dispute that you had eight 13 errors on January 15 of -- excuse me, January 18 of 14 2016 as noted on the performance trend?</p> <p>15 A. No, I don't dispute that because he did tell me I did 16 have eight errors.</p> <p>17 Q. And did he also tell you that you had eight errors on 18 January 25 of 2016 as noted in this document?</p> <p>19 A. I don't remember if he said -- he said more than 20 eight.</p> <p>21 Q. Okay.</p> <p>22 A. He said more than eight, so the answer is no I guess 23 because he said more than eight.</p> <p>24 (Exhibit 5 marked.)</p> <p>25 BY MS. FITZKE:</p>	<p style="text-align: right;">Page 125</p> <p>1 remember her name. She was the Amazon staff. I 2 can't remember.</p> <p>3 Q. Okay. It looks like the trainer is identified as -- 4 I can't quite read her name but it looks like --</p> <p>5 A. Yeah, it was a female supervisor, right.</p> <p>6 Q. Well, okay. I can't read her name, so you can't 7 either?</p> <p>8 A. I don't remember her name.</p> <p>9 Q. There is a name on the trainer line. If you look at 10 that in front of you, can you tell me are you able to 11 recognize her name?</p> <p>12 A. E D -- oh, trainer E D Z, Edzale.</p> <p>13 Q. Do you recall someone with that name?</p> <p>14 A. I don't remember her name.</p> <p>15 Q. Okay.</p> <p>16 A. But yeah, it was a female supervisor.</p> <p>17 Q. Do you recall some of the feedback that you got 18 during your 5-5-5 audit was to put the products in 19 the bin before you scanned it?</p> <p>20 A. Yes.</p> <p>21 Q. And do you recall getting feedback that you needed to 22 be looking at the computer screen?</p> <p>23 A. Yes. And I've told them I always do that. I always 24 look at the computer screen before I stowed the item 25 in the bin.</p>

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<p style="text-align: right;">Page 126</p> <p>1 Q. Did you also get feedback that you needed to be 2 keeping the scanner in your hand that's closest to 3 the pods?</p> <p>4 A. Yes.</p> <p>5 Q. Are the pods the same thing as the bins that you're 6 putting the products into?</p> <p>7 A. Right. The pod is in the -- the bin is the big 8 thing, and the pod is the like the inner basket, the 9 input basket, the open sack or however you want to --</p> <p>10 Q. Were you given feedback about making sure to utilize 11 the entire pod from the top down?</p> <p>12 A. Yes.</p> <p>13 Q. Were you given feedback regarding using the bin 14 sweeps, using your hands to look for more space in 15 the bins?</p> <p>16 A. Yes.</p> <p>17 Q. Were you given feedback at this 5-5-5 audit regarding 18 the pace at which you were stowing?</p> <p>19 A. Yeah, they said I was a fast stower.</p> <p>20 Q. On the bottom left-hand corner, the box that's down 21 there, there is an item stows -- stow at least 10 22 items per pod, per pod face if possible, and it's 23 checked no. Did someone talk to you about making 24 sure you were stowing enough items in the pod?</p> <p>25 A. Yes. A supervisor always told me every time.</p>	<p style="text-align: right;">Page 128</p> <p>1 A. The trainer, the trainers that came to me, I don't 2 know. I don't know. Possibility. They have the 3 mentality I believe like the supervisors, you know. 4 I believe it could have been that, could have been an 5 age thing because they do -- they probably do talk -- 6 I haven't seen them talk to the younger stowers based 7 on what they -- when they used to talk to me about 8 the fact that they have -- I have to get a trainer 9 once I get evaluated badly.</p> <p>10 Q. Do you have any facts that would support a conclusion 11 that you were evaluated on 2-19-16 unfairly in any 12 way because of your age?</p> <p>13 A. I don't have any physical facts, no.</p> <p>14 Q. And on this evaluation form, Exhibit 5, on the 5-5-5 15 stow audit form, it notes in the middle of the 16 left-hand side on quality it says: Turns toward 17 their screen every time they go to slow an item 18 instead of turning toward the pod with their back 19 facing the screen. This enforces the need to verify 20 their screen.</p> <p>21 That item is checked no, that you were not 22 engage anything that behavior. Was that discussed 23 with you?</p> <p>24 A. No, that wasn't discussed.</p> <p>25 Q. Do you have any -- do you acknowledge that that was</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. That you were doing -- that you needed to be sure to 2 put enough items in the pod?</p> <p>3 A. No, they told me to make sure that closest to the 4 pod, right, scan your left hand, pod is on the left, 5 yeah, tell me how to hold the scanner while placing 6 it close to me or to it -- to scan the pod.</p> <p>7 Q. Did you get feedback from the trainer that the 8 trainer didn't think that you were utilizing all 9 available space in the pod before releasing it?</p> <p>10 A. No, I didn't get -- no. They never said that. None 11 of them never said that.</p> <p>12 Q. Did you get feedback that you did not keep your hand 13 on the bin until the green banner confirms the stow 14 activity and that you needed to do that?</p> <p>15 A. No, because I've done that. Yeah, I'm supposed to 16 keep it on, keep my hand on and then scan while 17 looking at the screen. And no, they have not given 18 me that. Because some -- all of them actually told 19 me that they -- that they keep doing that. What I'm 20 doing is right, that I been doing that right.</p> <p>21 Q. Do you know why the trainer checked the box that said 22 that you weren't doing that?</p> <p>23 A. No, I do not know why because I was doing that.</p> <p>24 Q. You don't have any reason to believe this trainer 25 evaluated you unfairly because of your age, do you?</p>	<p style="text-align: right;">Page 129</p> <p>1 something you were not doing correctly?</p> <p>2 A. No, I wasn't acknowledged that.</p> <p>3 Q. Do you have any reason or do you have any knowledge 4 as to why then the trainer checked no for that box?</p> <p>5 A. No, I do not.</p> <p>6 Q. Okay. When you did the 5-5-5 stow audit on February 7 19, 2016, do you recall the performance related 8 issues that were worked on with you at that time 9 during that stow audit?</p> <p>10 A. Yeah, I do. I do remember. I can't recall exactly, 11 but I do remember.</p> <p>12 Q. And what was that?</p> <p>13 A. What -- I don't have an example or -- but I do 14 remember the time, the, you know, the contact of the 15 trainer and me.</p> <p>16 Q. You just don't recall the specific performance issues 17 that you worked on in that meeting?</p> <p>18 A. Yeah, I don't remember all of exactly we all did.</p> <p>19 Q. Okay. In terms of the performance coaching that you 20 received, I'll show you another document to kind of 21 aid our discussion here.</p> <p>22 (Exhibit 6 marked.)</p> <p>23 BY MS. FITZKE:</p> <p>24 Q. I'm showing you Exhibit 6 to your deposition. It 25 looks like this is a document you signed on March 10</p>

33 (Pages 126 - 129)

<p style="text-align: right;">Page 130</p> <p>1 of 2016.</p> <p>2 A. There is a lot of documents I did not sign because I 3 refused to sign it for the fact that my performance 4 was excellent, and I always felt they were excellent. 5 So I did not sign it. I told Mr. Jason Griffin, you 6 know, every time he asked me to sign something, I 7 told him no, I'm not going to sign because I felt 8 that my performance was correct. And it was the 9 second and third and fourth evaluations.</p> <p>10 Q. Ms. Timms, I do have some documents, and we'll get 11 there, where it was noted that you refused to sign.</p> <p>12 A. Yeah.</p> <p>13 Q. But what I want to talk to you about is Exhibit No. 14 6. And it looks like on the associate signature line 15 that that is your signature there?</p> <p>16 A. I don't know how they get it because I never signed 17 the feedback documents.</p> <p>18 Q. You're saying you never signed any of them?</p> <p>19 A. Come March and the third week of March, yeah, because 20 they would ask for me to sign, and I would not sign. 21 Jason would ask me to sign, Mr. Griffin would ask me 22 to sign something, and I would refuse.</p> <p>23 Q. And like I said, I know there are some, and I have 24 some documents that you in fact refused to sign.</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 132</p> <p>1 March 10, 2016 and refusing to sign this document, or 2 is it possible that you did in fact sign this 3 document and you started refusing to sign them after 4 this meeting?</p> <p>5 A. I probably did refuse to sign them. I did -- I don't 6 remember signing this.</p> <p>7 Q. Okay.</p> <p>8 A. So that's my answer, no, I don't remember signing 9 this.</p> <p>10 Q. You don't dispute that you had --</p> <p>11 A. I dispute this.</p> <p>12 Q. I understand you dispute that you signed this 13 document.</p> <p>14 A. Yes.</p> <p>15 Q. But that you admit that that's your signature on the 16 document, correct?</p> <p>17 A. Yes.</p> <p>18 Q. So with regard to -- do you dispute that you were 19 given a final written warning by Mr. Griffin on or 20 about March 10, 2016?</p> <p>21 A. Yeah.</p> <p>22 Q. You dispute that?</p> <p>23 A. I dispute it you say?</p> <p>24 Q. Correct.</p> <p>25 A. No, I don't dispute it. He did give me a warning.</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. And what I'm asking you is is it your claim that that 2 is not in fact your signature here on Exhibit 6?</p> <p>3 A. That is my signature, but I did not sign this.</p> <p>4 Q. Do you know how your signature got on Exhibit No. 5 6 --</p> <p>6 A. No.</p> <p>7 Q. -- if you did not sign the document?</p> <p>8 A. No.</p> <p>9 Q. Do you claim that the company forged this document, 10 Exhibit 6?</p> <p>11 A. I'm not saying they forged it or not. I don't know 12 if that's what that means.</p> <p>13 Q. Okay.</p> <p>14 A. But when -- and in any document that Mr. Griffin 15 wanted me to sign after the third -- the second, the 16 third and the fourth evaluation, I always refused to 17 sign the documents. And in some of these is this, is 18 this form like this that he would give to me to sign. 19 So I don't know how my signature gets there because I 20 told him no, I'm not going to sign it.</p> <p>21 Q. And I guess my question to you is we know there are 22 other documents like this that you refused to sign.</p> <p>23 A. Right, yes.</p> <p>24 Q. And my question to you is do you have a specific 25 recollection of meeting with Mr. Griffin on or about</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. A final -- you understood you were placed on a final 2 warning on or about March 10 of 2016 due to 3 Mr. Griffin's perception that your performance was 4 not meeting company expectations?</p> <p>5 A. Yeah, but not a final warning on the 10th. He didn't 6 give me a final warning on the 10th.</p> <p>7 Q. That was my question.</p> <p>8 A. Okay, no, he didn't give me a final warning. He gave 9 me a warning.</p> <p>10 Q. Okay. You acknowledge that you got a performance -- 11 a warning related to your performance on or about 12 March 10 of 2016?</p> <p>13 A. Yeah.</p> <p>14 Q. And you understood that that performance warning had 15 to do with Mr. Griffin's understanding or belief that 16 you were not correctly stowing items?</p> <p>17 A. That's what the thing was. That's what the warning 18 was.</p> <p>19 Q. Okay. And you understood that Mr. Griffin did not 20 believe that you were correctly stowing items based 21 on, in part, the information contained in this form 22 that, for example, on 1-25-16 that there were eight 23 errors?</p> <p>24 A. No, I'm not disputing that.</p> <p>25 Q. And you understood that Mr. Griffin at this time had</p>

<p style="text-align: right;">Page 134</p> <p>1 gotten -- was continuing to get reports from the 2 other departments about their belief that you were 3 not correctly stowing items?</p> <p>4 A. Yeah, yeah.</p> <p>5 Q. Do you have any facts that would support that 6 Mr. Griffin put you on -- gave you a performance 7 warning of any kind on March 10 of 2016 because of 8 your age?</p> <p>9 A. No, I don't have any physical footage, video footage, 10 no text message. I have no evidence, no physical 11 evidence.</p> <p>12 Q. Any other information of any kind?</p> <p>13 A. No.</p> <p>14 Q. And this document, Exhibit 6, also notes that on 15 February 25 of 2016 that you received performance 16 coaching as well. Do you have any reason to dispute 17 that that occurred?</p> <p>18 A. No, I don't dispute that. That was.</p> <p>19 Q. And then I have another document, and we'll get it in 20 the record, but on the day after you received that 21 coaching on February 25 of 2016, you received some 22 additional training from Amazon, do you recall 23 receiving -- being retrained?</p> <p>24 A. Yeah, yes.</p> <p>25 (Exhibit 7 marked.)</p>	<p style="text-align: right;">Page 136</p> <p>1 A. They must have wrote this after they evaluated me.</p> <p>2 Q. During any of your training did you get advice to 3 slow down?</p> <p>4 A. Yeah, I did.</p> <p>5 Q. What else do you recall? What other information or 6 tips did you get during your retraining?</p> <p>7 A. They -- it was a female that last retrained me. She 8 told me to -- that, you know, just slow down for the 9 fact that she knew I was stowing real fast because 10 I'm good with the scanner and just quickly just scan 11 the item, scan the bin, you know, and look at the 12 computer.</p> <p>13 But she told me to slow down a little bit 14 because -- it was something she said why to slow down 15 a little bit. She thought -- she saw -- she saw that 16 the computer was doing the little, you know, stow the 17 next item, stow the next items real quick whereas it 18 looked like I wasn't -- one item I scanned, it would 19 be in there. Because when you put the gun laser on 20 the item and keep putting it on the same item, it's 21 not going to -- it's not going to stay. It's not 22 going to show the quantity.</p> <p>23 And like if you -- because she thought 24 that I was stowing -- she saw me probably clicking on 25 it twice one item. And then the computer said stow</p>
<p style="text-align: right;">Page 135</p> <p>1 BY MS. FITZKE:</p> <p>2 Q. Showing you Exhibit 7 to your deposition, Ms. Timms. 3 This is a form called retraining results RTR form.</p> <p>4 Have you seen this document before?</p> <p>5 A. No, I have not.</p> <p>6 Q. Okay. You don't dispute, however, that you did 7 receive some retraining on or about February 26th of 8 2016?</p> <p>9 A. No, I don't.</p> <p>10 Q. Do you recall who completed that training with you?</p> <p>11 A. No, I don't.</p> <p>12 Q. At the top it says shift trainer, and it says, it 13 looks like My-Mike. I don't know who that is. Do 14 you?</p> <p>15 A. No, I don't.</p> <p>16 Q. Do you recall receiving feedback that you should be 17 stowing with both hands?</p> <p>18 A. No, they didn't tell me that. They said that, you 19 know -- they just said keep doing what I've been 20 doing, keep stowing right and everything.</p> <p>21 Q. So you don't recall receiving any advice or 22 encouragement to use both hands while stowing the 23 items?</p> <p>24 A. No, I don't.</p> <p>25 Q. Did --</p>	<p style="text-align: right;">Page 137</p> <p>1 the next item. Then she saw what one of my problems 2 might have been. So she told me -- that's why she 3 told me to slow down.</p> <p>4 Q. Okay.</p> <p>5 A. Yeah, it was a female who trained me from a different 6 department though. But she trained -- retrained me 7 for that.</p> <p>8 Q. And how was --</p> <p>9 A. The previous trainer's evaluation was a guy.</p> <p>10 Q. And how was the training done? Would the person 11 giving you the retraining, would they just watch how 12 you were doing it and then give you advice, or would 13 they show you how to do it? Like how -- describe for 14 me how the training was --</p> <p>15 A. She just gave me advice.</p> <p>16 Q. Based on watching you perform?</p> <p>17 A. Um-hum, and just -- she just stood and just saw me 18 perform.</p> <p>19 Q. Okay.</p> <p>20 (Exhibit 8 marked.)</p> <p>21 BY MS. FITZKE:</p> <p>22 Q. Showing you Exhibit 8 to your deposition, Ms. Timms. 23 This is another 5-5-5 stow audit. Do you recall 24 having another stow audit performed or participating 25 again in a 5-5-5 stow audit on or about February 29</p>

<p>1 of 2016?</p> <p>2 A. No, I don't.</p> <p>3 Q. Do you dispute that that occurred?</p> <p>4 A. I don't dispute it because I don't remember. So I</p> <p>5 don't dispute that though.</p> <p>6 Q. It looks like this was completed by someone named</p> <p>7 Steve, a trainer named Steve Olafson perhaps. Does</p> <p>8 that name sound familiar to you?</p> <p>9 A. No, it doesn't. But I did have a guy -- sometimes</p> <p>10 they had -- we had Amazon supervisors that were the</p> <p>11 trainer. So that could have been an Amazon</p> <p>12 supervisor.</p> <p>13 Q. And in the top observations I think this gentleman,</p> <p>14 to the best I can read it, notes that you had some</p> <p>15 things to deal with that shift like not having enough</p> <p>16 product. And he thought -- he notes that in the</p> <p>17 third line her overall quality looked pretty good.</p> <p>18 He says but I did coach her extensively on making</p> <p>19 sure she was checking the screen. Do you see that</p> <p>20 there?</p> <p>21 A. Yeah.</p> <p>22 Q. Do you recall getting some coaching during one of</p> <p>23 your retrainings about making sure to be checking the</p> <p>24 screen?</p> <p>25 A. Yes.</p>	<p>Page 138</p> <p>1 Q. Did he discuss with you making sure that you're</p> <p>2 turning toward the screen every time?</p> <p>3 A. Yeah. But he saw that I was -- it was good that I</p> <p>4 still -- I looked at the screen each time I stowed</p> <p>5 the bin before that and after. So --</p> <p>6 Q. Do you recall Steve giving you any feedback about the</p> <p>7 pace of your stowing?</p> <p>8 A. No. Oh, yeah. I'm sorry, yes. All of them</p> <p>9 commented nicely about how -- the pace, how fast I</p> <p>10 stow.</p> <p>11 Q. Did he also discuss with you -- if you look at the</p> <p>12 lower left-hand side on pace, there is an item works</p> <p>13 at a constant pace. Slows items over 8 to 10. On</p> <p>14 the result column he checks no, that he didn't</p> <p>15 observe that you did that. And then there is some</p> <p>16 handwritten comments that I can't read all of them.</p> <p>17 But did Steve discuss with you why he checked no on</p> <p>18 that item?</p> <p>19 A. No, he didn't discuss that.</p> <p>20 Q. Then I want to go back to Exhibit No. 6 if we can.</p> <p>21 Exhibit 6, I'm trying to kind of go through</p> <p>22 chronologically some of the training and performance</p> <p>23 discussions that were had, but the way the forms are,</p> <p>24 they don't all roll out chronologically.</p> <p>25 So Exhibit 6 talks about under the</p>
<p>1 Q. Before and after scanning your items?</p> <p>2 A. Yeah. Every trainer did that. Every trainer told me</p> <p>3 that including the lady trainer. Every trainer told</p> <p>4 me that.</p> <p>5 Q. This trainer noted on the stow process, the item</p> <p>6 utilizes the entire pod from the top bins down to the</p> <p>7 bottom bins, does not stow only in power zone. This</p> <p>8 trainer also checked no. Do you recall having some</p> <p>9 discussions with this trainer about making sure to</p> <p>10 use the entire bin?</p> <p>11 A. No, that I don't recall. I probably -- no, I don't</p> <p>12 think he said that. But he didn't say it in that</p> <p>13 way, the way it was written. He probably didn't say</p> <p>14 it in that way.</p> <p>15 Q. This trainer noted verify the item is correct on the</p> <p>16 screen. This trainer checked no, that he had</p> <p>17 observed you not doing that. Do you dispute that?</p> <p>18 A. That I do dispute because I always checked the</p> <p>19 screen.</p> <p>20 Q. You never forgot to check?</p> <p>21 A. Never forgot to check the screen.</p> <p>22 Q. Did this trainer, Steve, did he discuss with you his</p> <p>23 perception that you had not checked the screen and</p> <p>24 that's something you should make sure to be doing?</p> <p>25 A. No, he didn't do that.</p>	<p>Page 139</p> <p>1 communication history that you received a first</p> <p>2 written warning on March 3rd of 2016. Do you have</p> <p>3 any reason to dispute that you received a written</p> <p>4 warning on March 3rd of 2016?</p> <p>5 A. That I don't dispute, no.</p> <p>6 Q. And you understood that was a warning due to a</p> <p>7 perception by the company that your performance was</p> <p>8 not meeting standards?</p> <p>9 A. Right.</p> <p>10 Q. Then the next thing that kind of happened in terms of</p> <p>11 your employment is I know that you were hired on, we</p> <p>12 talked about earlier, on March 6th as an Amazon</p> <p>13 employee. And then what I don't really have</p> <p>14 documented is you mentioned earlier that you were</p> <p>15 fired by Amazon in March of 2016, right?</p> <p>16 A. Right.</p> <p>17 Q. Do you know what date you were fired?</p> <p>18 A. Right, March 16th, 2017.</p> <p>19 Q. It was March 16?</p> <p>20 A. Yeah, March 16. I believe that would be a Thursday</p> <p>21 or so. It was a Thursday.</p> <p>22 Q. Okay. And who communicated to you that your</p> <p>23 performance was being terminated?</p> <p>24 A. First person was Jason, Mr. Griffin.</p> <p>25 Q. And what did Jason tell you?</p>

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<p style="text-align: right;">Page 142</p> <p>1 A. He told me -- he told me let's go to the office. I 2 have to talk to you. 3 Q. And was anybody else -- 4 A. Then I asked him is there another evaluation? He 5 said yeah, it's like an evaluation. 6 Q. Was anybody else in the office when you got there? 7 A. Yeah, the lady, she was an African American, tall, 8 light-skinned lady. I can't think of her name. But 9 she was -- he introduced me to her, and I forgot her 10 name. She was one that is the head of HR. 11 Q. And who -- 12 A. She was young though. She was a young lady. 13 Q. Who told you that your performance with Amazon was 14 being terminated at that time? 15 A. Mr. Griffin. 16 Q. And what did he tell you? 17 A. He -- first of all, at the office he explained to me 18 why he brought me down to the office, because he got 19 some more evaluations of my performance for the 20 previous week. And he stated that due to low 21 productivity, he thinks that's why I'm getting -- he 22 has to terminate me because that's what one 23 department says was low productivity, low -- not 24 enough items to be stowed in the bin. 25 Q. So it was not enough items, not that the items were</p>	<p style="text-align: right;">Page 144</p> <p>1 And I was like well, can I at least defend 2 myself and try to keep my job and try to explain 3 myself in order to keep my job? And he said no, no, 4 because we already spent 10 minutes talking. There 5 is nothing else to say. And I said -- and I was -- I 6 just left it alone because I didn't -- he could 7 not -- if he was not going to be reasonable, there is 8 nothing I could do. 9 Q. Do you have any facts that would support a conclusion 10 that Mr. Griffin or Amazon terminated your employment 11 in March of 2016 because of your age? 12 A. No, I don't. I wish I did, but I don't. 13 Q. And it's my understanding that the decision was made 14 to end your employment because you had a certain 15 number of prior disciplines or counsels within a 16 period of time, did you understand that? Did Mr. 17 Griffin communicate that to you? 18 A. He didn't tell me -- no, Mr. Griffin didn't say 19 that's why I got fired. 20 Q. Okay. 21 A. He didn't say that. 22 Q. And ultimately you were brought back to work at 23 Amazon? 24 A. I was brought back to work at Amazon one time, but it 25 had nothing to do with Mr. Griffin. That time it was</p>
<p style="text-align: right;">Page 143</p> <p>1 being stowed incorrectly? 2 A. No, not incorrectly, just not enough in there. And 3 there are so many that should be -- he explained to 4 me there are so many that should be stowed for so 5 many -- for so much period of time per hour or per 30 6 minutes. And that's what one department does to 7 check all us stowers' performance. Also timing and 8 how much is in each bin. So -- bin cart. 9 So he then stated, you know, I have to let 10 you go due to that. And I was like well, that's not 11 a good reason to fire me because -- and not only 12 that, I have been stowing a lot of product in each 13 bin. How could that be? And he said well, it goes 14 by number count that they were looking for. 15 Something they look for. 16 Q. So did you understand that in part the decision was 17 made to terminate your employment at that time 18 because of the progression of discipline like some of 19 the things we've talked about, the prior verbal 20 warnings and written warnings and things like that? 21 A. Yeah. But I was like well, how could that be that 22 I'm getting fired for that. And a lot of people get 23 evaluated with still warnings and all, and they're 24 still working here. And that's why I asked Mr. Jason 25 Griffin. And he said well, he can't answer that.</p>	<p style="text-align: right;">Page 145</p> <p>1 another person that was in the office when they tried 2 to terminate -- fire me before, one time. And HR 3 said they made a mistake. 4 Q. I'm sorry, I thought the first time that your 5 employment was terminated was in March and the second 6 time was in May; is that right? 7 A. No, it was in -- it was in -- still in March I 8 believe, and then it was -- yeah, then it was last in 9 March 16th. I didn't stay there past May. I wasn't 10 there all April or May, no. That's not true. 11 (Exhibit 9 marked.) 12 BY MS. FITZKE: 13 Q. Showing you, Ms. Timms, Exhibit 9 to your deposition 14 which is a copy of a letter that you received from 15 Amazon following your termination. Do you recall 16 receiving that document? 17 A. Yes. 18 Q. And you see how it's dated May 17 of 2016? 19 A. Yes. 20 Q. Does that document help refresh your recollection 21 that you were terminated on May 16 and not March 16? 22 A. No, I was fired March 16th. 23 (Exhibit 10 marked.) 24 BY MS. FITZKE: 25 Q. I'm going to show you Exhibit 10 to your deposition.</p>

<p style="text-align: right;">Page 146</p> <p>1 A. They didn't let me stay --</p> <p>2 Q. Have you ever seen a document that looks like this</p> <p>3 before?</p> <p>4 A. Yeah, I did see this.</p> <p>5 Q. I think we can get at this a different way actually</p> <p>6 by looking at your pay records, Ms. Timms.</p> <p>7 A. All right.</p> <p>8 (Exhibit 11 marked.)</p> <p>9 BY MS. FITZKE:</p> <p>10 Q. Showing you Exhibit 11, Ms. Timms, do you recall that</p> <p>11 you reported your time while working at the Amazon</p> <p>12 plant into something called MyTime?</p> <p>13 A. Yeah, that's the -- another computer they have in the</p> <p>14 plant for seeing your scores or whatever, seeing your</p> <p>15 schedule dates of working, payroll, yeah.</p> <p>16 Q. So if you look at the last page of this document</p> <p>17 which shows, you know, your time for your final</p> <p>18 shifts, you'll see it shows you working shifts in</p> <p>19 April and into May up through May 15 of 2016, on the</p> <p>20 last page?</p> <p>21 (Witness peruses document.)</p> <p>22 A. I don't recall being there in April, but it might</p> <p>23 be -- might be May. But my termination letter always</p> <p>24 said March 16th, the week that I got terminated. We</p> <p>25 get our termination letters or acceptance letters</p>	<p style="text-align: right;">Page 148</p> <p>1 has time records for you working for the company in</p> <p>2 April and through May 16th?</p> <p>3 A. No, I don't have any explanations.</p> <p>4 Q. Do you find that unusual?</p> <p>5 A. Yeah. But what I sent you all, it's dated March 16th</p> <p>6 in the termination letter I thought. So I don't</p> <p>7 know. Maybe I misread it or something. But I</p> <p>8 don't --</p> <p>9 Q. Ms. Timms, you were fired twice by Amazon, right?</p> <p>10 A. Yes.</p> <p>11 Q. And the first -- what was the date of the first time</p> <p>12 that you were fired?</p> <p>13 A. It was in -- around the 8th or something. I forgot.</p> <p>14 I forgot what day. But it was around the first and</p> <p>15 second week of March.</p> <p>16 Q. Is it possible you were fired the first time on March</p> <p>17 16th?</p> <p>18 A. Maybe that's it. Okay. Maybe that's it.</p> <p>19 Q. In any event, we know you were fired. Let's talk</p> <p>20 about the first time you were fired by the company.</p> <p>21 Is that the meeting that you described for me with</p> <p>22 Mr. Griffin and the tall woman from HR?</p> <p>23 A. No. It was a different guy.</p> <p>24 Q. Okay. I want to talk about the first time you were</p> <p>25 fired.</p>
<p style="text-align: right;">Page 147</p> <p>1 only offline. And the week that I got fired I</p> <p>2 printed out my termination letter. I wish I have it,</p> <p>3 but I don't have anything on me now. And it stated</p> <p>4 March 16th was my termination day. That was all that</p> <p>5 was there.</p> <p>6 Q. The letter that you produced to me in this case?</p> <p>7 A. Right, that I sent to you, it's dated March 16th.</p> <p>8 Q. I'll represent to you that the copy of the letter</p> <p>9 that I got from you is identical to the copy of the</p> <p>10 letter that we've marked in this case.</p> <p>11 A. Okay. Well, I mean maybe I misread it. But I don't</p> <p>12 -- really don't remember working there throughout</p> <p>13 April and May.</p> <p>14 Q. Did you receive payment for work that you didn't</p> <p>15 perform at Amazon?</p> <p>16 A. No, I didn't because I was not there on the premises</p> <p>17 in April. It was March, March 16th they fired me.</p> <p>18 He fired me in three weeks after I got fired -- I</p> <p>19 mean three weeks before my b-day week. That's how I</p> <p>20 remember, that's when I got fired. Then I could have</p> <p>21 sworn I seen, read, when the termination -- when I</p> <p>22 downloaded the termination letter, it's March 16th,</p> <p>23 that it's dated March 16th. So I don't believe that</p> <p>24 it was May 16th. It was --</p> <p>25 Q. Do you have any explanation then for why the company</p>	<p style="text-align: right;">Page 149</p> <p>1 A. Okay.</p> <p>2 Q. Okay. So did Mr. Griffin come get you and take you</p> <p>3 off the floor?</p> <p>4 A. Mr. Griffin and another guy was with him.</p> <p>5 Mr. Griffin did not fire me. It was another -- well,</p> <p>6 it was him and another supervisor. Another</p> <p>7 supervisor was talking to me. And he stated again,</p> <p>8 it's due to low productivity reason why they fired</p> <p>9 me. And I'm like how could that be low productivity?</p> <p>10 And I worked so hard. And I -- it put so many</p> <p>11 products in there.</p> <p>12 So it was another guy, young guy, looked</p> <p>13 like he was in his 30s, and it was Mr. Griffin.</p> <p>14 Mr. Griffin didn't say anything that first meeting in</p> <p>15 the office that I was fired. It was the other guy.</p> <p>16 He was a White gentleman like Mr. Griffin except a</p> <p>17 blond, younger one. No, they both young. And that</p> <p>18 must have been March 16th.</p> <p>19 Then I got a phone call from HR of Amazon,</p> <p>20 and they stated we made a mistake. You wasn't</p> <p>21 supposed to get fired. It's been a mistake. So a</p> <p>22 female supervisor from HR or HR employee, a female HR</p> <p>23 employee called me, and she told me -- I asked her</p> <p>24 what do I do? Because I'm thinking they don't</p> <p>25 have -- I don't have my ID. They take my ID. They</p>

<p style="text-align: right;">Page 150</p> <p>1 take your ID when they let you go. So I was like 2 what am I supposed to do? She explained to me what 3 all I had to do to get my ID back and all this stuff. 4 Q. Okay. And -- 5 A. So I guess, okay, my mistake. So yes, March -- May 6 16th I guess I was last fired. 7 Q. Okay. Did the woman from HR who called you to invite 8 you back to come back to work at Amazon, did she 9 explain to you what the mistake had been? 10 A. Yes. 11 Q. And what did she say to you? 12 A. I wish I had the voicemail. I don't remember exactly 13 word for word, but it was -- some of the content of 14 it was a miscommunication, a misreading of the 15 computers, printouts of their evaluations on people, 16 you know, of the same type of like computer printouts 17 that, you know, Mr. Griffin been doing of evaluating 18 me that they go by. And it was a different person, 19 not me. 20 Q. Was it explained to you that in part it had to do 21 with you becoming a full time Amazon employee and 22 that they shouldn't have counted the discipline and 23 coaching that had occurred prior to determine whether 24 you had reached the threshold? 25 A. No, she didn't say all that. She said it was because</p>	<p style="text-align: right;">Page 152</p> <p>1 was fair, did Mr. Griffin do anything else that you 2 believed treated you unfairly? 3 A. Just the fact that, you know, he didn't -- for the 4 fact, unfairly -- treated me or for the time -- do 5 you mean, are you asking me did he treat me unfairly 6 from the last time that we were in the office when he 7 was about to terminate me? 8 Q. Let's -- before your second termination meeting, 9 okay. After you get back to work and before your 10 second termination meeting, other than to evaluate 11 you more often than you thought was fair, did 12 Mr. Griffin do anything else that you thought was 13 unfair treatment toward you? 14 A. Yes, it was the fact of the matter that he started 15 getting really offensive when I asked him can I 16 explain myself and try to get my job back. Can I -- 17 I told him, I asked him when the big girl -- sister 18 girl, the young lady, head HR supervisor and him and 19 me were only in the office of the second time I got 20 terminated, and I asked him can I explain myself so I 21 can get my job back. 22 So what I believe you all should not 23 terminate me, why I should stay here, why I should 24 still be working. And he got offensive and said no, 25 no, no, we already spent 10 minutes talking.</p>
<p style="text-align: right;">Page 151</p> <p>1 of an error in the computer error, and it wasn't your 2 productivity that was poor or bad. That was somebody 3 else's performance. That's what she said. 4 Q. Somebody else's performance she said? 5 A. Yeah, that's what she said. It was a computer 6 mistake, a computer error she said on the phone to 7 me. And it was somebody else's productivity 8 performance. Then I asked her well, what am I 9 supposed to do? I don't have an ID. Then she 10 explained to me how to get my ID back, how to get 11 everything else back. 12 Q. Okay. Did you ever have any discussion beyond that 13 phone call with anyone from Amazon, management or 14 human resources about why you had been discharged the 15 first time in error? 16 A. No, because I felt that it wasn't necessary. I got 17 my job back. I'm happy. 18 Q. So you came back to work. Did you think when you 19 came back to work that Mr. Griffin treated you 20 fairly? 21 A. No, Mr. Griffin did evaluate me weekly and the same 22 way. 23 Q. So other than -- 24 A. And not really fair. 25 Q. Other than evaluating you more often than you thought</p>	<p style="text-align: right;">Page 153</p> <p>1 Q. And that -- 2 A. I felt that was unfair because he didn't give me my 3 word to say. 4 Q. And that was in the meeting when you got terminated 5 the first time, just to make sure our record is 6 clear? 7 A. No, that was in the meeting the second time. 8 Q. The second termination? 9 A. The second termination. 10 Q. Do you have any reason to believe that Mr. Griffin 11 did not hear you out on why you believed you should 12 not be terminated because of your age? 13 A. Do I -- can he explain -- repeat that? 14 Q. You said you thought it was unfair that Mr. Griffin 15 wouldn't listen to you give your side of the story -- 16 A. Yes. 17 Q. -- after he had told you that you were about -- that 18 you were going to be terminated, right? You thought 19 that was unfair; is that right? 20 A. I thought it was unfair that he didn't give me the 21 time, the extra time to explain myself of why they 22 should keep me and why I should keep my job. 23 Q. And my question to you is do you have any facts that 24 would support a conclusion that Mr. Griffin refused 25 to hear you out because of your age?</p>

<p style="text-align: right;">Page 154</p> <p>1 A. No, because they don't allow cell phones in the 2 place. And if I did have a cell phone, if I was able 3 to keep it in there, I would -- I would have right 4 now evidence. I would have videoed, I would have 5 recorded him.</p> <p>6 Q. What would you have recorded?</p> <p>7 A. I would record him -- our conversation.</p> <p>8 Q. And did Mr. Griffin say anything in that conversation 9 that referenced your age?</p> <p>10 A. He did not mention my age.</p> <p>11 Q. And did Mr. Griffin say anything in that conversation 12 that would support your conclusion that you were 13 treated or being terminated because of your age?</p> <p>14 A. No, he didn't.</p> <p>15 Q. And other than the number of times that he evaluated 16 you after you came back to work, did Mr. Griffin do 17 anything else that you thought was unfair treatment 18 of you because of your age?</p> <p>19 A. Yes, I thought that it was unfair that, like I said 20 before, I've seen him walk past some people that I 21 might have known that are younger than me working as 22 stowlers and those I didn't know that were regular 23 stowlers that were younger than me. He just walked 24 past their station. But I sometimes used to be the 25 only one on the floor he would evaluate.</p>	<p style="text-align: right;">Page 156</p> <p>1 probably does have a lot of other people to evaluate. 2 But why would you -- why would he only evaluate if 3 I'm the only stowler on the -- if I'm more than -- if 4 there are 20 stowlers on the floor or more and I'm the 5 only one he's evaluating, why he's not evaluating 6 other stowlers? And they are all younger than me.</p> <p>7 Q. Let me ask you this. Do you think if you're the only 8 one that's demonstrating the same consistent poor 9 performance there would be reason to watch your 10 performance more closely?</p> <p>11 A. Can you repeat that?</p> <p>12 Q. Yup. If you're the only stowler -- I'll try to ask a 13 slightly different question. 14 If you're the only stowler in that group 15 that's receiving complaints from the other 16 departments that you're stowing items incorrectly, do 17 you agree that it's reasonable that Mr. Griffin would 18 watch your performance more closely?</p> <p>19 A. Yeah, I believe it. I believe that.</p> <p>20 Q. So let's kind of get back to what we were doing here.</p> <p>21 A. You said if he evaluated other performers -- other 22 stowlers' performances?</p> <p>23 Q. No, I didn't say that.</p> <p>24 A. Is it possible I could ask you again? Or it's not 25 right?</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. And do you know why Mr. Griffin was not evaluating 2 the other stowlers as often?</p> <p>3 A. All the other -- it be a time where I'm on the floor, 4 I'm the oldest stowler on the floor. That's why I 5 stated that. And he would not go to their station, 6 just mine, and evaluate.</p> <p>7 Q. And I guess my question to you is you don't know 8 anything about the performance history of the other 9 stowlers that Mr. Griffin was not evaluating with as 10 much frequency?</p> <p>11 A. No.</p> <p>12 Q. And --</p> <p>13 A. And I feel it was unfair because I believe that -- 14 usually every stowler, usually every stowler gets 15 evaluated at the same time, the same day. Because he 16 told me one time he has to do evaluations on more 17 than just me. It's not just me he's picking on. One 18 day he stated that.</p> <p>19 Q. Do you know who else Mr. Griffin evaluated?</p> <p>20 A. No, I don't. But he does more than one evaluation he 21 told me when he does evaluations.</p> <p>22 Q. You don't have any reason to believe that's not true, 23 do you?</p> <p>24 A. No, I don't believe it's not true, but I believe 25 it's -- I believe it's true that he does -- he</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. My question to you that I thought you had answered 2 was if you are the only stowler for whom Mr. Griffin 3 is receiving reports from the quality group that we 4 talked about earlier that you're stowing items 5 incorrectly, do you think it would be reasonable that 6 Mr. Griffin would watch your performance more closely 7 to try to correct those errors?</p> <p>8 A. First of all, he probably would not, no. He probably 9 would not. I'm going to re-answer that. My 10 correction to the answer is no because he never would 11 stay -- he would always tell me when he evaluated me 12 that he -- by the way, he has to -- he can't stay 13 long. He would tell me that, too, he can't stay long 14 to evaluate me. So we're going to make this brief. He 15 used to tell me that. He would then sometimes stop 16 and see -- tell me okay, I'm going to stop and see 17 how you're doing this.</p> <p>18 I would be stowing and then sometimes I 19 would think it's only 15 minutes, he's gone. He's 20 not around to see me stow. It's a short -- he has a 21 short attention span. So no, answer is no.</p> <p>22 Q. So you understood that Mr. Griffin could evaluate you 23 in a number of ways, correct? Like one way he could 24 evaluate you is by watching you work?</p> <p>25 A. Yes, I understand.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q. And it sounds like he did that sometimes for up to 15 2 minutes at a time?</p> <p>3 A. Yeah.</p> <p>4 Q. And one way to evaluate you might be through the 5 feedback that he got from the quality groups and the 6 other departments, correct?</p> <p>7 A. Right.</p> <p>8 Q. And another way he might evaluate you is by the 9 numbers or the metrics that show up on these quality 10 supportive feedback documents, correct?</p> <p>11 A. Right, yeah.</p> <p>12 Q. So there are a number of different ways that 13 Mr. Griffin could judge your performance, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you're aware that Mr. Griffin relied on all of 16 those things in judging your performance, correct?</p> <p>17 A. Yes.</p> <p>18 (Exhibit 12 marked.)</p> <p>19 BY MS. FITZKE:</p> <p>20 Q. Showing you Exhibit 12, Ms. Timms. This is another 21 retrain results form that reflects that you received 22 additional training on March 11, 2016 and that the 23 reason for the training request was quality. Do you 24 recall being trained again on March 11 of 2016?</p> <p>25 A. Yeah, I do recall.</p>	<p style="text-align: right;">Page 160</p> <p>1 should do to like go closer to the bin as well as 2 close -- be a little bit closer to the conveyor belt, 3 not to watch -- and my shorter pace or shorter time 4 spent walking from here to there while stowing.</p> <p>5 Q. Do you recall Mike talking to you about the fact that 6 he thought you were spending too much time reading 7 the screen?</p> <p>8 A. No, he didn't say that to me.</p> <p>9 Q. Did he talk to you about the placement of your empty 10 totes?</p> <p>11 A. No, he didn't say that.</p> <p>12 Q. Do you know that -- were you aware that these 13 retraining forms existed and that this feedback was 14 provided to Mr. Griffin?</p> <p>15 A. No, I did not because he did not write -- like the 16 Integrity Staffing supervisors and Mr. Jeff Griffin, 17 he didn't write as he told me things and trained me.</p> <p>18 Q. Did you know that you were receiving that retraining 19 because of your performance -- the company's belief 20 that your performance was poor, that your quality was 21 poor?</p> <p>22 A. Yeah, I did, because Mr. Griffin would tell me that.</p> <p>23 Q. That your quality was poor?</p> <p>24 A. No, he would tell me when the trainer would be 25 coming.</p>
<p style="text-align: right;">Page 159</p> <p>1 Q. And it looks like My-Mike Nguyen trained you on this 2 occasion, do you recall that?</p> <p>3 A. Yeah, that's his name, Mike. That's the guy. The 4 other woman, I don't know.</p> <p>5 Q. And how did Mike go about training you on this 6 occasion?</p> <p>7 A. He would do the thing -- do my job. He would tell me 8 step back, I'm going to do your job and just observe. 9 And then he would tell me okay, I'm going to step 10 back and do what I just did. Do your job and the 11 same way I just did your job. And then I would do it 12 just like he stated, and it would be -- he's like 13 okay, great.</p> <p>14 Q. And so do you deny that Mr. Nguyen gave you any 15 feedback about how you could improve your performance 16 as a result of this retraining?</p> <p>17 A. No, because he gave me one or two pointers of 18 improvement.</p> <p>19 Q. And what were those?</p> <p>20 A. To make sure that, you know, I continue holding the 21 bin, the bin when I scan, and to slow down, like the 22 other girl trainer told me.</p> <p>23 Q. Did Mike share with you his perception that you're 24 easily distracted by other issues when stowing?</p> <p>25 A. Yeah. He mentioned something about things that I</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. So you got like a heads-up that a trainer would be 2 coming to you?</p> <p>3 A. Yeah, um-hum.</p> <p>4 Q. And he would explain to you that the trainer was 5 coming to help you improve your performance quality?</p> <p>6 A. Right, yes.</p> <p>7 Q. So --</p> <p>8 A. That he did do.</p> <p>9 (Exhibit 13 marked.)</p> <p>10 BY MS. FITZKE:</p> <p>11 Q. Showing you Exhibit 13, Ms. Timms. And this is 12 another supportive feedback document. And on the top 13 under communication history it notes that your most 14 recent -- that you had a documented verbal warning 15 issued on 3-17 of 2016, do you see that there?</p> <p>16 A. Um-hum.</p> <p>17 Q. And you don't have any reason to dispute that you in 18 fact received a documented verbal warning relating to 19 your performance on that date?</p> <p>20 A. No, I don't. No, I don't.</p> <p>21 Q. And you don't have any reason to dispute that the 22 performance trend numbers or details of current 23 incident as listed on this form are correct?</p> <p>24 A. Right, yes.</p> <p>25 Q. Okay. It looks like after you got the performance</p>

<p style="text-align: right;">Page 162</p> <p>1 warning on 3-17, the documented verbal, that you 2 received some additional training again, do you 3 recall that happening?</p> <p>4 A. Yes, I do. Because every time I got a training, 5 Mr. Griffin would also state to me -- before I see 6 the trainer Mr. Griffin would come. And it would be 7 that time where it would be times where it wasn't an 8 evaluation, but he would say you're going to get a 9 trainer.</p> <p>10 Q. Did you understand that you were getting additional 11 training, more training than the other employees, the 12 other stowlers were getting?</p> <p>13 A. No, I didn't know that.</p> <p>14 Q. Okay. And did you understand that you were getting 15 these retraining opportunities because of the 16 documented coachings and warnings that you were 17 receiving?</p> <p>18 A. No, I didn't know that.</p> <p>19 (Exhibit 14 marked.)</p> <p>20 THE WITNESS: The warning would be he 21 would tell me I'm going to get a trainer, right?</p> <p>22 That's what you meant for the last question?</p> <p>23 BY MS. FITZKE:</p> <p>24 Q. Well, we had gone through on Exhibit 13 how it notes 25 that you had a documented verbal counseling relating</p>	<p style="text-align: right;">Page 164</p> <p>1 orientation about that. And no one never told me 2 about the hanging. Neither did Mr. Griffin.</p> <p>3 Q. Did --</p> <p>4 A. I thought that was always okay.</p> <p>5 Q. Did Mr. Nguyen give you any feedback about his 6 perception that you were overstuffing the bins?</p> <p>7 A. Yeah. And I never knew I was overstuffing the bins.</p> <p>8 Mr. Griffin never told me that either.</p> <p>9 Q. Do you know what halo rules are?</p> <p>10 A. Yes.</p> <p>11 Q. And did Mr. Nguyen talk to you about his perception 12 that you were not following or using the halo rules?</p> <p>13 A. Yes. But before I got fired by Mr. Griffin, Amazon 14 gave a meeting, another cafeteria meeting. And they 15 mentioned something about there is no more halo 16 rules.</p> <p>17 Q. Before this date on 3-18?</p> <p>18 A. Yeah.</p> <p>19 Q. What is the halo rule?</p> <p>20 A. It's when in the bins where there are certain 21 regulations that you cannot do of stowing involving 22 items that are of the same -- the same similarity or, 23 you know, that is in the same family so to speak, 24 category, whatever. You can't go diagonally, you 25 couldn't go like them being next -- stowed next to</p>
<p style="text-align: right;">Page 163</p> <p>1 to your performance on March 17 of 2016.</p> <p>2 A. Yes.</p> <p>3 Q. And then on March 18, 2016 you got some additional 4 retraining, right?</p> <p>5 A. Yes, right, because every time -- right. Because --</p> <p>6 and I was informed that. I was aware I was going to 7 get trained by Mr. Griffin.</p> <p>8 Q. And did you understand or did Mr. Griffin communicate 9 to you that you were being given this additional 10 training or retraining in an effort to help you 11 improve your performance so that you could be a 12 successful Amazon employee?</p> <p>13 A. Yeah, because he came to me. If it was an evaluation 14 day, he would just tell me yeah, I'm getting a 15 trainer.</p> <p>16 Q. And Exhibit 14 documents the retraining that was 17 performed again by Mike Nguyen on 3-18-2016. Did Mr. 18 Nguyen talk with you about his perception that you 19 were not reviewing the titles on your screen?</p> <p>20 A. No, he didn't say that.</p> <p>21 Q. Did Mr. Nguyen talk with you about his perception 22 that items were hanging over the bins?</p> <p>23 A. Yeah, that he did talk to me about.</p> <p>24 Q. And he gave you some coaching on that?</p> <p>25 A. Yeah. Because no one ever -- they never stated in</p>	<p style="text-align: right;">Page 165</p> <p>1 each other in an angle or awkward like side by side 2 or as a circular, how can I say it, a circular cutout 3 way of bins, you know, forming in a circular form or 4 whatever. So those were the halo rules.</p> <p>5 Q. Okay. Did Mr. Nguyen talk to you about his belief 6 that your bin etiquette was the reason for low 7 productivity and low quality?</p> <p>8 A. No.</p> <p>9 Q. Were you aware that this feedback was given to 10 Mr. Griffin?</p> <p>11 A. No, I wasn't aware of that either, because the 12 trainers never stated that they would write anything 13 out or will talk back to Mr. Griffin.</p> <p>14 (Exhibit 15 marked.)</p> <p>15 BY MS. FITZKE:</p> <p>16 Q. Ms. Timms, I have another feedback document we've 17 marked as Exhibit 15. And this one notes a quality 18 termination.</p> <p>19 A. Okay.</p> <p>20 Q. And it's signed by it looks like Mr. Griffin on March 21 23rd of 2016. It looks like you may have started to 22 sign it and changed your mind and scribbled out your 23 signature. Do you recall that?</p> <p>24 A. Yeah, I do recall that because I then thought to 25 myself no, I'm not signing anything that I feel is</p>

<p style="text-align: right;">Page 166</p> <p>1 not true.</p> <p>2 Q. Okay. And this to me looks to be actually when you</p> <p>3 were first terminated by Amazon on March 23rd of</p> <p>4 2015.</p> <p>5 A. Yes.</p> <p>6 Q. And when you were first terminated by Amazon,</p> <p>7 Mr. Griffin presented this form to you, and you wrote</p> <p>8 these comments on here?</p> <p>9 A. It was the first time I got terminated you mean?</p> <p>10 Q. Yes.</p> <p>11 A. No. It was the other guy. Mr. Jason Griffin didn't</p> <p>12 hand that to me.</p> <p>13 Q. Okay.</p> <p>14 A. He was just standing there at all times. It was the</p> <p>15 other Caucasian young guy.</p> <p>16 Q. Okay. And you wrote on here in the associate</p> <p>17 comments: I refuse to sign because I feel I should</p> <p>18 not have gotten fired for the fact that I did stow</p> <p>19 correctly and the company's computers were mostly in</p> <p>20 default. And my boss manager Jason gave me a warning</p> <p>21 to have my -- is that P tag or tag? Can you help me</p> <p>22 read this?</p> <p>23 A. P tag?</p> <p>24 Q. I'm reading your document, your handwriting here.</p> <p>25 Can you read it with me?</p>	<p style="text-align: right;">Page 168</p> <p>1 freeze, wouldn't say go to the next bin.</p> <p>2 Q. Okay. I want to go back because I don't understand</p> <p>3 everything you're saying.</p> <p>4 A. Okay.</p> <p>5 Q. So you're saying that there were supervisors that</p> <p>6 came by you that you could --</p> <p>7 A. No, I went -- whenever -- yes, that came by me but of</p> <p>8 different days where I tell them the same problem I</p> <p>9 had.</p> <p>10 Q. Okay. And what I don't understand is what is the</p> <p>11 problem that you're saying that you had?</p> <p>12 A. Of the computer default would be every -- almost</p> <p>13 every -- it was almost one through two or three, four</p> <p>14 days in a row of me working that -- and it would be a</p> <p>15 different supervisor that will come other than</p> <p>16 Griffin to see how everything is doing. They would</p> <p>17 just do that, come and see stowers. Okay, how are</p> <p>18 you doing? How is it going?</p> <p>19 Q. Explain to me what the computer problem was.</p> <p>20 A. And the computer problem was computer default.</p> <p>21 That's why I say computer default. Because the</p> <p>22 supervisor, I would tell the supervisor, you know,</p> <p>23 there is another problem I have. The computer still</p> <p>24 doing the same thing to tell me okay, stow to the</p> <p>25 next bin, and they're not -- and it's not picking up,</p>
<p style="text-align: right;">Page 167</p> <p>1 A. P tag?</p> <p>2 Q. I don't know. That's why I'm asking you if you can</p> <p>3 help me read it.</p> <p>4 A. My tag.</p> <p>5 Q. Can you read the rest for me to the end, to have my</p> <p>6 tag?</p> <p>7 A. To have my tag time up and my tag time was up, and I</p> <p>8 always read what I should stow correctly.</p> <p>9 Q. Okay. And when you say that the computers were</p> <p>10 mostly in default, what are you saying there? What</p> <p>11 do you mean?</p> <p>12 A. Because the fact that a lot of supervisors came to me</p> <p>13 when I also went to not only Mr. Jason Griffin but I</p> <p>14 also went to some other supervisors to talk about</p> <p>15 that whenever I stow an item and it keeps saying go</p> <p>16 to the next bin. But when ICQA comes and reports to</p> <p>17 Jason of my evaluation that some things are missing,</p> <p>18 some items are missing in the bin, it's because of</p> <p>19 that. The supervisors would tell me yeah, that's the</p> <p>20 computer default because everybody is getting that.</p> <p>21 And then there was something else, too,</p> <p>22 the computer would stall. Or when I would try to --</p> <p>23 when I click onto an item with the laser gun and then</p> <p>24 quickly click onto the bin number code of the same</p> <p>25 bin where the computer tell me to stow, it would just</p>	<p style="text-align: right;">Page 169</p> <p>1 reading the numbers, the item that's connected to the</p> <p>2 bin. Or it was the time where it was stalled.</p> <p>3 Q. So when you say -- I want to understand what you're</p> <p>4 telling me. So you're saying that the computer would</p> <p>5 tell you to stow to the next bin but it wasn't</p> <p>6 reading the item. I don't understand what you mean.</p> <p>7 A. It wasn't reading the item code or the item bin</p> <p>8 because sometimes -- yeah, all the time, which I just</p> <p>9 thought about it. When it say that, when it does</p> <p>10 that, that means the bin number comes up. If the bin</p> <p>11 number doesn't come up or -- that means that it's not</p> <p>12 reading it. It's stalling. And it does -- and when</p> <p>13 I mean stall meaning stay still is that it doesn't go</p> <p>14 to the next computer question they have -- the</p> <p>15 computer questions stowers -- or tell us to do, tell</p> <p>16 us what to do, the next command.</p> <p>17 Q. But you're describing for me two separate problems.</p> <p>18 So I want to focus on them separately so I can</p> <p>19 understand what they are.</p> <p>20 So as I understand, I understand what</p> <p>21 you're saying about the computer freezing, okay. I</p> <p>22 understand how you're saying the computer would</p> <p>23 freeze up. When the computer would freeze up, how</p> <p>24 did that cause other departments to believe that you</p> <p>25 were stowing items incorrectly?</p>

<p style="text-align: right;">Page 170</p> <p>1 A. Because I would go to the P person, I would go to the 2 computer. And you could then get out of that 3 computer mode and go to the computer, click on the 4 function to get help for the computer person to come. 5 Then the computer person would come and they will 6 look at that. And a supervisor would automatically 7 come and say okay. They would sometimes have to call 8 the supervisor.</p> <p>9 And the supervisor would come and would 10 see that -- how I'm doing. The supervisor would say 11 okay, stow another item. So I stow another item and 12 use the laser gun connected to the computer. 13 Computer would stay in that same computer screen. 14 Understand what I'm saying? It would stay in that 15 same computer screen.</p> <p>16 Q. It was frozen, right?</p> <p>17 A. Right.</p> <p>18 Q. So you weren't able to do your work?</p> <p>19 A. Right.</p> <p>20 Q. So when the computer would freeze up, you were no 21 longer stowing items?</p> <p>22 A. That's what -- and I didn't know that's what that 23 was. And I went to -- yeah. I asked the supervisor, 24 you know, why is it stopping like that and not going 25 to the next command when it says okay, stow your next</p>	<p style="text-align: right;">Page 172</p> <p>1 A. Yeah, it was always that way. 2 Q. Okay. So when it was saying go to the next item, 3 then if you weren't working and you weren't stowing 4 items in the bins, how do you contend that those two 5 computer problems that you described for me that 6 would cause you to stop working and get help, how 7 would those two computer issues result in other 8 departments believing that you had mis-stowed items 9 incorrectly?</p> <p>10 A. I was surprised because supervisor come to me and 11 they were like oh, yeah, this computer default. I 12 have -- and they told me how -- they told me oh, I've 13 had -- I've had other stowers tell me this.</p> <p>14 Q. That's not my question though, Ms. Timms. I'm taking 15 you at your word that you had these computer problems 16 and that you stopped working and got help as you're 17 supposed to do.</p> <p>18 A. Yes.</p> <p>19 Q. So my question to you is if you're not working and 20 you're getting help like you're supposed to be doing, 21 then how are either of those computer problems 22 resulting in other departments complaining that you 23 had mis-stowed items in incorrect bins?</p> <p>24 A. Because the supervisor for some reason when I did 25 keep scanning one time, I didn't know what that was.</p>
<p style="text-align: right;">Page 171</p> <p>1 item?</p> <p>2 Q. Right. So when it would freeze up and you would have 3 to get help, you were no longer stowing items, so you 4 weren't stowing any items incorrectly, right?</p> <p>5 A. Right.</p> <p>6 Q. So I want to talk about the other computer problem 7 then.</p> <p>8 A. That's when I said computer default because the 9 supervisor would say well, that's the computer 10 default. Every time it was a problem with the 11 computer, any supervisor would tell me oh, that's the 12 computer default. That's what that means when I say 13 computer default.</p> <p>14 Q. That the computer was freezing up?</p> <p>15 A. That plus the other computer problems when I stated 16 also where it keeps saying go and stow to the next 17 item, go and stow to the next item.</p> <p>18 Q. Even though you hadn't scanned and you --</p> <p>19 A. Even though I have not scanned an item.</p> <p>20 Q. Okay. And when it kept saying --</p> <p>21 A. That's another -- that was another thing.</p> <p>22 Q. And when it would keep saying go to the next item, go 23 to the next item, would you do the same thing, would 24 you stop working and then get help from one of the P 25 people?</p>	<p style="text-align: right;">Page 173</p> <p>1 So it would pick up, it will pick up that I am 2 scanning an item, but it will show nothing. It will 3 show the quantity would be very low because I scanned 4 the item more than one time. So that's probably why 5 that was it.</p> <p>6 Q. So on one occasion you scan an item more than one 7 time and trying to get it to pick up on the computer?</p> <p>8 A. Yeah.</p> <p>9 Q. And then that item that you scanned multiple times, 10 did you end up stowing that item, or did you hold it 11 while you waited for help?</p> <p>12 A. The second time I knew something was wrong, I waited, 13 didn't scan that item, waited for help.</p> <p>14 Q. Okay. So it's on one occasion that you scan an item 15 multiple times, and then did you stow that item 16 before you realized you were having a computer 17 problem?</p> <p>18 A. Yeah. And that was the first time I was working with 19 Integrity in October now.</p> <p>20 Q. Okay.</p> <p>21 A. Not in March.</p> <p>22 Q. So that was before you even got hired on by Amazon?</p> <p>23 A. Yeah, even before I got hired.</p> <p>24 Q. So while you were an active Amazon employee, there 25 was never an occasion that you had what you call a</p>

<p style="text-align: right;">Page 174</p> <p>1 computer default where you went ahead and stowed 2 items that were either frozen or not scanning 3 correctly?</p> <p>4 A. No, there was computer default meaning that 5 whenever -- I scan the item, and the item would be 6 like -- the computer would say okay, scan another 7 item. And then I would scan another item but it 8 freeze. That's when, okay, that happened to me a 9 lot. It would freeze. Because it was working right, 10 but then when I scanned another item and the computer 11 says stow and scan another item and I do, and then it 12 should say okay, stow in the bin, scan the bin, stow. 13 That one, that second computer command doesn't come 14 up. That's when I said yeah, there is -- yeah, there 15 is -- I do have computer defaults. It still come up. 16 They still was coming up.</p> <p>17 Q. And -- right.</p> <p>18 A. But I knew what to do. It's just that when I watched 19 the screen and I watch it and if it does -- that's 20 how I knew because I was watching it carefully when 21 they were telling me even in October, November, 22 December, make sure you watch that screen every time.</p> <p>23 Q. Right.</p> <p>24 A. That's how I would know it was a computer default.</p> <p>25 Q. So, Ms. Timms, I think you're telling me a lot of</p>	<p style="text-align: right;">Page 176</p> <p>1 Jason keep coming to me telling me that ICQA saying 2 I'm having all these invisible quantity where the 3 quantity amount should be in there but there is some 4 missing.</p> <p>5 Q. And you told me earlier they would find the missing 6 items in other bins, right?</p> <p>7 A. Yeah.</p> <p>8 Q. And Mr. Griffin, you understand that Mr. Griffin drew 9 the conclusion or at least he relayed to you that he 10 had drawn the conclusion based on that information 11 that you were responsible for stowing items 12 incorrectly?</p> <p>13 A. Yeah, you -- stowers are automatically, we are 14 automatically considered to be responsible.</p> <p>15 Q. And you knew that Mr. Griffin, he communicated to you 16 that it was his belief that you had stowed the items 17 incorrectly?</p> <p>18 A. Even though it was not true, we always be held 19 responsible.</p> <p>20 Q. So you denied stowing items incorrectly, but you 21 understood Mr. Griffin believed that you did for the 22 reasons that he gave you that it was being reported 23 to him that that's what was occurring?</p> <p>24 A. According to the computer, only according to the 25 computer, yes.</p>
<p style="text-align: right;">Page 175</p> <p>1 stuff that's not related to my questions. So if you 2 can just focus on my question.</p> <p>3 A. Okay.</p> <p>4 Q. I'm taking you at your word that you scanned items 5 and had these computer defaults. I'm taking you at 6 your word that when you had a computer problem like 7 that that you called computer default, you called the 8 management or the P folks or whoever it was to get 9 help to correct your computer issues and that you 10 didn't then go ahead and stow items when you knew you 11 were having a computer problem.</p> <p>12 A. Right.</p> <p>13 Q. So my question to you is if you did not go ahead and 14 stow items when you knew you were having a computer 15 problem and you appropriately waited for help, how is 16 it that you contend those computer problems resulted 17 in other departments complaining that you were 18 mis-stowing items?</p> <p>19 A. Because they -- because -- I don't know. They was -- 20 I don't know.</p> <p>21 Q. Okay.</p> <p>22 A. That's when that -- that's why -- I know, I know what 23 you're talking about. I'm stowing it right, and I 24 stowing correctly. And I never scanned twice the 25 morning one time after I was hired, true, right. Why</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. And when you say that your tag time was up, what's 2 tag time?</p> <p>3 A. Okay. Oh, tag time means what I've been telling you 4 all today that to be a stower, Amazon really wants 5 you to be a good stower is -- what they state in 6 orientation when they first hire you to be a good 7 stower, they look at your speed --</p> <p>8 Q. Okay.</p> <p>9 A. -- of stowing.</p> <p>10 Q. So the tag time is your stowing speed?</p> <p>11 A. Is your stowing speed.</p> <p>12 Q. Okay. Simple enough.</p> <p>13 A. How fast you can stow.</p> <p>14 MS. FITZKE: Let's take a short break.</p> <p>15 (Recess taken.)</p> <p>16 BY MS. FITZKE:</p> <p>17 Q. I'm going to show you Exhibit 16 to your deposition, 18 Ms. Timms.</p> <p>19 (Exhibit 16 marked.)</p> <p>20 BY MS. FITZKE:</p> <p>21 Q. This is a quality -- another supportive feedback 22 document. It's labeled quality final written. This 23 one looks like you signed this document on 4-7-2016?</p> <p>24 A. Yeah.</p> <p>25 Q. Do you recall doing that?</p>

<p style="text-align: right;">Page 178</p> <p>1 A. Yeah.</p> <p>2 Q. You were advised at that time you were expected to</p> <p>3 meet the 100 percent quality expectation?</p> <p>4 A. Yeah, I was there in April, so May 16th was my last</p> <p>5 day, yeah.</p> <p>6 Q. And this one, this document noted that -- it's a</p> <p>7 little bit difficult to read, but I've got another</p> <p>8 copy of it that doesn't bear your signature. Let's</p> <p>9 see if we can find that to help us read the comment.</p> <p>10 If you can agree from the time period 3-28, 5 a.m. to</p> <p>11 4-4, 5 a.m. you stowed 5,241 units and had 13 errors</p> <p>12 for a DPMO of 2481 versus a DPMO goal of 600.</p> <p>13 A. Yeah, Jason informed me about that.</p> <p>14 Q. Okay.</p> <p>15 A. And I refused to sign because I really felt that I</p> <p>16 didn't -- I didn't do all those errors, and they</p> <p>17 still had computer problems.</p> <p>18 Q. It looks like -- I thought you said you did sign this</p> <p>19 on 4-7-2016.</p> <p>20 A. This I did not sign.</p> <p>21 Q. Okay.</p> <p>22 A. This one I did sign.</p> <p>23 Q. Okay. Do you understand that those are identical</p> <p>24 copies of the same document, they're just in -- one</p> <p>25 is more squished together but they contain the same</p>	<p style="text-align: right;">Page 180</p> <p>1 Q. Did you admit to Ms. Tomlinson as noted in this form</p> <p>2 that you had been making halo mistakes?</p> <p>3 A. I didn't think I would be making halo mistakes. She</p> <p>4 showed the idea. She pointed out I did because she</p> <p>5 stepped back, she told me okay, do your job, let me</p> <p>6 see you stow the bins. And I did. And she said</p> <p>7 everything was right except for you halo one -- I saw</p> <p>8 you halo more than one time. So that's how I knew.</p> <p>9 That's what they told me.</p> <p>10 Q. Did you tell Ms. Tomlinson that you were purposely</p> <p>11 doing that, assuming -- making halo mistakes assuming</p> <p>12 that a few mistakes wouldn't be a big deal?</p> <p>13 A. No, I didn't say that to her.</p> <p>14 Q. Were you aware that Ms. Tomlinson indicated to</p> <p>15 Mr. Griffin that that's what you said?</p> <p>16 A. No, I didn't say that.</p> <p>17 Q. Ms. Tomlinson notes that Athena did not consistently</p> <p>18 watch her screen. Did she talk to you about that?</p> <p>19 A. Yes, she told me that, but it was only one or two</p> <p>20 times she told me that, don't forget to watch your</p> <p>21 screen. Because I didn't -- I had my eyes off of it</p> <p>22 because I was stowing another bin, another item in a</p> <p>23 bin.</p> <p>24 Q. So you admit Ms. Tomlinson talked to you about the</p> <p>25 importance of watching your screen?</p>
<p style="text-align: right;">Page 179</p> <p>1 information?</p> <p>2 (Witness peruses document.)</p> <p>3 A. Yeah, this -- but I didn't sign this which he's</p> <p>4 right, I didn't sign it. I left it blank.</p> <p>5 Q. Okay. Why don't you just give me that page back. We</p> <p>6 won't attach anything to Exhibit 16. You admit that</p> <p>7 you signed Exhibit 16 and that Mr. Griffin discussed</p> <p>8 that with you in his -- and the performance errors</p> <p>9 that are documented in Exhibit 16?</p> <p>10 A. Yeah, right.</p> <p>11 (Exhibit 17 marked.)</p> <p>12 BY MS. FITZKE:</p> <p>13 Q. Showing you Exhibit 17, then after you got the</p> <p>14 performance, the final warning or final written</p> <p>15 that's Exhibit 16, after that you got some</p> <p>16 retraining, do you recall that?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Looks like you were retrained on April 13 of 2016</p> <p>19 relating to the quality.</p> <p>20 A. Yeah. It was around that time.</p> <p>21 Q. And that the person it looks like that trained you</p> <p>22 was Amy Tomlinson, do you recall her?</p> <p>23 A. Um-hum.</p> <p>24 Q. Is that a yes?</p> <p>25 A. Excuse me, yes, yes.</p>	<p style="text-align: right;">Page 181</p> <p>1 A. Yeah, I do admit that.</p> <p>2 Q. And did Ms. Tomlinson discuss with you her perception</p> <p>3 that you were not consistently watching your screen?</p> <p>4 A. Right, she told me that.</p> <p>5 Q. Did she talk to you about how important she thought</p> <p>6 the halo rule was and how it was important to follow</p> <p>7 it all the time?</p> <p>8 A. Yeah, she did.</p> <p>9 Q. Okay. Let's look at Exhibit 18 to your deposition.</p> <p>10 (Exhibit 18 marked.)</p> <p>11 BY MS. FITZKE:</p> <p>12 Q. This is a supportive feedback document, it's called</p> <p>13 quality first written. On the second page it's dated</p> <p>14 April 20th, 2016, but it also -- I see that you</p> <p>15 indicate that you refused to sign this document?</p> <p>16 A. Yes.</p> <p>17 Q. And are those your -- is that your handwriting there</p> <p>18 in the associate comments?</p> <p>19 A. Right, I did fill out the comment form, but I didn't</p> <p>20 sign.</p> <p>21 Q. Okay. And you understand that on the first and</p> <p>22 running into the second page where it says error</p> <p>23 listing that this document is identifying errors that</p> <p>24 the quality folks or that the computers have</p> <p>25 identified the stowing mistakes that you made?</p>

<p style="text-align: right;">Page 182</p> <p>1 A. Yes.</p> <p>2 Q. And it looks like in the employee comments you deny</p> <p>3 that you made stowing mistakes and blamed those</p> <p>4 errors on the computer?</p> <p>5 A. I didn't -- yeah, I refused to agree with Griffin.</p> <p>6 That's why I didn't sign the thing. But yeah, I'm</p> <p>7 aware of the errors they stated I did.</p> <p>8 Q. Okay. And Mr. Griffin communicated to you that he</p> <p>9 believed you had committed those errors, right?</p> <p>10 A. Right.</p> <p>11 Q. And did Mr. Griffin also tell you that no other</p> <p>12 employees were having the same kind of complaints</p> <p>13 made about their stowing that you were having?</p> <p>14 A. No, he didn't say that.</p> <p>15 Q. Did Mr. Griffin tell you that nobody else was having</p> <p>16 problems with their computers in the way that you</p> <p>17 were having?</p> <p>18 A. No, he didn't say that either.</p> <p>19 Q. Okay. In that 4-20 feedback that we just looked at,</p> <p>20 Exhibit 18, up in the communication history it says</p> <p>21 that you also were coached on 4-14-2016 regarding</p> <p>22 your quality. Do you agree that you were coached on</p> <p>23 4-14 regarding your quality?</p> <p>24 A. Yeah, I believe.</p> <p>25 Q. And so then the next -- did I have another one for</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. Who said you should not be terminated for your poor</p> <p>2 quality?</p> <p>3 A. Other people, I meant like other employees, stowers</p> <p>4 and a few other maybe supervisors that were somewhat</p> <p>5 cool with me, thought I was a good worker.</p> <p>6 Q. My question was who told you you should not be</p> <p>7 terminated because of your quality?</p> <p>8 A. Like I said, employees, stowers, other employees that</p> <p>9 were stowers, other employees of other departments</p> <p>10 and some supervisors that were cool with me.</p> <p>11 Q. I want the names. Who are the names of these people?</p> <p>12 A. I don't know their names. I don't remember.</p> <p>13 Q. What were the other stowers --</p> <p>14 A. I didn't know them by their --</p> <p>15 Q. What would the other stowers know about your quality?</p> <p>16 A. That I was a hard worker and that I did do the job</p> <p>17 right. And they did stow with me because there were</p> <p>18 times where -- I mean Amazon would have us team up</p> <p>19 and do the stowing together, have two, have two</p> <p>20 employees instead of one stowing together. And they</p> <p>21 can see my performance, what I do, did on the job.</p> <p>22 Q. Okay. They wouldn't be charged with -- if you stowed</p> <p>23 alongside another employee, they wouldn't be charged</p> <p>24 with checking your work, would they?</p> <p>25 A. No. But they see -- but we see each other.</p>
<p style="text-align: right;">Page 183</p> <p>1 you?</p> <p>2 (Exhibit 19 marked.)</p> <p>3 BY MS. FITZKE:</p> <p>4 Q. Showing you Exhibit 19, Ms. Timms. This is a</p> <p>5 termination notice.</p> <p>6 A. Yeah.</p> <p>7 Q. And Mr. Griffin, did he provide this document to you</p> <p>8 as well?</p> <p>9 A. Yes, he did.</p> <p>10 Q. And it looks like it was presented to you for your</p> <p>11 signature on May 16th of 2016 and that you dated it</p> <p>12 but did not sign it; is that right?</p> <p>13 A. That's right.</p> <p>14 Q. And the comments in the associate comment box, those</p> <p>15 are yours?</p> <p>16 A. Yes.</p> <p>17 Q. And that's your handwriting?</p> <p>18 A. Yes.</p> <p>19 Q. And you disagreed that you should be terminated</p> <p>20 because you thought your quality performance stowing</p> <p>21 were accurate?</p> <p>22 A. Right, yes.</p> <p>23 Q. And you said: I should not be fired because of low</p> <p>24 quality because other people said so.</p> <p>25 A. Yeah, that's my exact writing.</p>	<p style="text-align: right;">Page 185</p> <p>1 Q. The fact, the employees that are charged with</p> <p>2 checking your work is the quality group, right?</p> <p>3 A. Yeah, the supervisors or -- yeah.</p> <p>4 Q. Or the quality group?</p> <p>5 A. Yeah.</p> <p>6 Q. And the quality group was reporting to Mr. Griffin</p> <p>7 that you were not stowing correctly?</p> <p>8 A. They were saying that I wasn't stowing correctly of</p> <p>9 those errors. But I don't know why. Oh, yeah,</p> <p>10 because ICQA, quality people do not -- they're not --</p> <p>11 they can't see how people stow. They go and they see</p> <p>12 the bins of who -- which stowers stow. They check</p> <p>13 our work afterwards. So they don't know whose it</p> <p>14 really is.</p> <p>15 The supervisors know I believe because --</p> <p>16 it's probably because every stower's name they know</p> <p>17 who is at -- who was doing that bin, who stowed that</p> <p>18 bin. Because in the beginning of the -- of work, we</p> <p>19 always assigned someplace. And the supervisors will</p> <p>20 tell each stower, you know, where you supposed to be</p> <p>21 stationed. And the bins are also assigned to -- they</p> <p>22 know where the bins are going according to the floor</p> <p>23 and --</p> <p>24 Q. And there is a computerized record of who put what</p> <p>25 products into what bin, right?</p>

<p style="text-align: right;">Page 186</p> <p>1 A. Yeah, right. But the ICQA or the quality performers, 2 they don't know who is that -- which employee has 3 stowed what.</p> <p>4 Q. So when they're finding the mistakes, they don't know 5 whose mistakes they are?</p> <p>6 A. Thank you, yes, that's what I'm trying to say.</p> <p>7 Q. So when the quality team is reporting that there are 8 missing items, et cetera, in the bins you stowed, 9 they don't even know that they're reporting you.</p> <p>10 A. Right.</p> <p>11 Q. They're just reporting that errors were found?</p> <p>12 A. Yes.</p> <p>13 Q. And Mr. Griffin's job was to go back and see whose 14 mistakes they were?</p> <p>15 A. Right, yes.</p> <p>16 Q. Okay. I want to go back to Exhibit 10. It's the 17 termination report that looks like this.</p> <p>18 A. Okay.</p> <p>19 Q. If you can find it in your stack there. It's in 20 color like this. It looks just like this, Exhibit 21 10. The little yellow sticker is going to say 10 on 22 it.</p> <p>23 A. Okay. Got it.</p> <p>24 Q. So this termination summary identifies the on file 25 corrective actions, and it lists all the corrective</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Yes.</p> <p>2 Q. And you understood the purpose of that was to try to 3 help you meet company standards, right?</p> <p>4 A. Yes.</p> <p>5 Q. What are master packs?</p> <p>6 A. Master packs are small or it could be big but they're 7 boxes or they're in packages. But they're individual 8 packages or boxes you stow other than opening it up, 9 and there is different items in it you have to stow.</p> <p>10 It's a whole big package, whole small package.</p> <p>11 Q. Did Mr. Griffin give you any performance feedback 12 about identifying and stowing master packs?</p> <p>13 A. Yes, he did.</p> <p>14 Q. What was that feedback?</p> <p>15 A. That he -- they claimed quality control, ICQA claimed 16 that I didn't stow master packs right, that they were 17 in a different -- somewhere in different bins or 18 whatever.</p> <p>19 Q. Okay.</p> <p>20 A. Et cetera.</p> <p>21 Q. The termination summary says, and this is Mr. Griffin 22 I believe writing: I have given her very clear ways 23 to avoid computer prompts she thinks are errors as 24 well as ways to identify master packs.</p> <p>25 So let's unpackage that a little bit.</p>
<p style="text-align: right;">Page 187</p> <p>1 actions that we've talked about here and one dated 2 4-28 of 2016 that was a final written warning. You 3 don't dispute you got a final written warning on 4 April 28, 2016?</p> <p>5 A. Yes, I'm not disputing that.</p> <p>6 Q. And under summary it says: Athena has received 7 supportive coaching every week from her manager. 8 You don't dispute that Mr. Griffin provided 9 you coaching every week, right?</p> <p>10 A. No, I don't dispute that.</p> <p>11 Q. PAs, do you know what PAs are?</p> <p>12 A. Those are the people I was talking about, the P 13 people.</p> <p>14 Q. Okay. And PGs?</p> <p>15 A. They're called problem solver. I forgot what the A 16 stood for.</p> <p>17 Q. And do you know what the PGs are?</p> <p>18 A. PGs are the problem solvers.</p> <p>19 Q. So in addition to the support you got from 20 Mr. Griffin, the people that we can call for your 21 deposition here the P people, they also came by and 22 tried to give you supportive coaching to help train 23 you, right?</p> <p>24 A. Yes.</p> <p>25 Q. And they did that on a weekly basis?</p>	<p style="text-align: right;">Page 189</p> <p>1 A. Right.</p> <p>2 Q. Did Mr. Griffin talk to you about ways that you could 3 avoid the computer prompts that -- the defaults you 4 were describing?</p> <p>5 A. Yeah, because he explained to me that whenever I -- 6 make sure I pay attention to whenever I stow where I 7 have to scan the -- you scan a big label on the 8 master pack, on a package or the box, you know. And 9 then you scan -- then there is the scan label. Then 10 you scan the bin, you scan the big label which is 11 considered -- the big label is really considered like 12 a cart or something of the whole quantity item or 13 whatever as if you was to scan different items out of 14 a box.</p> <p>15 He told me just scan the big label, scan 16 the item, scan the bin and then you have to drop. 17 There is a system or a code where I have to scan the 18 empty code and then scan the drop -- scan the big 19 label. So that's what I was explaining, how to scan 20 the master pack. I was scanning them wrong they were 21 saying.</p> <p>22 Q. Okay.</p> <p>23 A. Because they would not see a master pack in the bin 24 or something.</p> <p>25 Q. Did you make changes to your behavior based on the</p>

<p style="text-align: right;">Page 190</p> <p>1 feedback that Mr. Griffin gave you?</p> <p>2 A. No, I never did change my behavior -- well, as far as</p> <p>3 what things he come to me about and I know that I'm</p> <p>4 doing my job right or just the overall performance of</p> <p>5 after each coach come to me? My performance was</p> <p>6 still excellent.</p> <p>7 Q. It was always excellent?</p> <p>8 A. Yeah, always excellent.</p> <p>9 Q. So do you have any reason to understand --</p> <p>10 A. I was very good. I'll admit, I'm not perfect, but it</p> <p>11 was very good.</p> <p>12 Q. Okay. Did other employees that you observed get</p> <p>13 retraining on four separate occasions?</p> <p>14 A. I've seen it happen. I don't know them. I didn't</p> <p>15 know them. But me walking or just being by one or</p> <p>16 two stations along with mine, yeah, I've seen other</p> <p>17 people get trained.</p> <p>18 Q. Have you seen people get trained on four separate</p> <p>19 occasions?</p> <p>20 A. Maybe more than that. Not four, just four, maybe</p> <p>21 more than that.</p> <p>22 Q. You've seen that happen?</p> <p>23 A. Yeah.</p> <p>24 Q. So you didn't think that there was anything unusual</p> <p>25 about the amount of training you were getting?</p>	<p style="text-align: right;">Page 192</p> <p>1 your quality issues, your poor performance?</p> <p>2 A. Yes. Well, he didn't give me a good reason. He just</p> <p>3 stated what department say he -- I did. And that was</p> <p>4 it.</p> <p>5 Q. The departments that said you were stowing</p> <p>6 incorrectly?</p> <p>7 A. Yeah, and the computer errors.</p> <p>8 (Exhibit 20 marked.)</p> <p>9 BY MS. FITZKE:</p> <p>10 Q. Showing you Exhibit 20 which is the MKE1 PEP Process</p> <p>11 document. Have you ever seen this before?</p> <p>12 A. Yeah, I've seen this before.</p> <p>13 Q. Do you have any reason to believe that the</p> <p>14 performance management process in place at the</p> <p>15 Milwaukee -- or Kenosha facility wasn't followed when</p> <p>16 it came to your discipline and ultimate termination?</p> <p>17 A. Could you repeat the question again?</p> <p>18 Q. Yeah. Do you have any reason to dispute that -- or</p> <p>19 do you have any reason to believe that the company</p> <p>20 didn't follow its own process when it came to the</p> <p>21 discipline, progressive discipline and termination of</p> <p>22 your employment?</p> <p>23 A. Yes. I believe that, you know, they -- there was a</p> <p>24 lot of computer defaults. And sometimes I wasn't the</p> <p>25 problem of how, why, you know, ICQA would state, you</p>
<p style="text-align: right;">Page 191</p> <p>1 A. No -- yeah, I did, because I only saw it like a few</p> <p>2 times, several times, seven or eight times. But for</p> <p>3 me to be trained every week, and I haven't seen that</p> <p>4 happen to other people be trained every week, yeah, I</p> <p>5 thought that was something wrong.</p> <p>6 Q. Are you able to identify any of the other employees</p> <p>7 that you claim got that much retraining?</p> <p>8 A. No, I don't know their names.</p> <p>9 Q. What facts do you have that would support your</p> <p>10 conclusion that you were terminated from your</p> <p>11 employment at Amazon because of your age?</p> <p>12 A. I believe it's because of what I've seen, people</p> <p>13 leave with a supervisor that was -- looked like they</p> <p>14 were a little older than me or my age. And they come</p> <p>15 in, go -- you know, once they leave, they were told</p> <p>16 or asked to cut off their computer. And once that</p> <p>17 happens, you know, I know that they were terminated.</p> <p>18 Q. And those are the people we described earlier?</p> <p>19 A. Yes.</p> <p>20 Q. Discussed earlier that you don't know why they were</p> <p>21 terminated or what their performance issues might</p> <p>22 have been?</p> <p>23 A. Yes, yes.</p> <p>24 Q. And you were told when you were terminated by</p> <p>25 Mr. Griffin that you were being terminated because of</p>	<p style="text-align: right;">Page 193</p> <p>1 know, some things were missing this, this was missing</p> <p>2 or this was scanned in this bin or that bin, you</p> <p>3 know. And --</p> <p>4 Q. That's not really my question. I get that you</p> <p>5 disagree that you did anything wrong.</p> <p>6 A. Okay.</p> <p>7 Q. So my question is in terms of the progression. The</p> <p>8 warnings that were given, the documented verbal</p> <p>9 coaching, written warning, final warning and ultimate</p> <p>10 termination, do you have any reason to believe that</p> <p>11 the company didn't follow its own progression in</p> <p>12 terms of its policy?</p> <p>13 A. Yeah, yeah, I would agree.</p> <p>14 Q. They did follow their policy?</p> <p>15 A. No, I disagree.</p> <p>16 Q. Okay. What steps did they not follow?</p> <p>17 A. They should have followed the fact that, you know --</p> <p>18 they should have followed the fact that, you know,</p> <p>19 every person, every employee that does a job right,</p> <p>20 they shouldn't -- they should follow more of -- be</p> <p>21 more emphasis of the other departments. That's what</p> <p>22 I believe.</p> <p>23 Q. That's not my question, Ms. Timms. I get that they</p> <p>24 didn't -- you understood that Jason Griffin believed</p> <p>25 the other departments and didn't believe you, right?</p>

<p style="text-align: right;">Page 194</p> <p>1 A. Yeah.</p> <p>2 Q. That Mr. Griffin didn't believe that it was the</p> <p>3 computer, that Mr. Griffin believed the feedback he</p> <p>4 got from the other departments. You understood that</p> <p>5 when you worked for Amazon, right?</p> <p>6 A. Yeah.</p> <p>7 Q. And you understood that at the time of your</p> <p>8 termination?</p> <p>9 A. Right.</p> <p>10 Q. And you understood that's why you were getting all of</p> <p>11 these performance counselings, coachings and</p> <p>12 warnings?</p> <p>13 A. Right.</p> <p>14 Q. And so -- let's just leave it at that.</p> <p>15 A. Okay.</p> <p>16 (Exhibit 21 marked.)</p> <p>17 BY MS. FITZKE:</p> <p>18 Q. Ms. Timms, showing you Exhibit 21 which is a copy --</p> <p>19 or is this a copy of the charge of discrimination</p> <p>20 that you filed with the Equal Employment Opportunity</p> <p>21 Commission?</p> <p>22 A. Yes.</p> <p>23 Q. And in this you allege that you were terminated from</p> <p>24 Amazon because of your race and your age?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 196</p> <p>1 definitely a cell phone of -- with video footage. I</p> <p>2 would tape record. I would record.</p> <p>3 Q. Record what?</p> <p>4 A. I would record every time the supervisor came to my</p> <p>5 place, every time I saw a supervisor go to another --</p> <p>6 another stoker's work site, you know, station, I</p> <p>7 would also do that. Plus I would have had a petition</p> <p>8 if they allowed me to be on the premises which I</p> <p>9 couldn't because Griffin said that after he</p> <p>10 terminated me, I'm no longer on the premises inside.</p> <p>11 I would have been able to get a petition of all the</p> <p>12 people I've just stated that I didn't know their</p> <p>13 names that I talked to as well as seeing to get</p> <p>14 terminated that look older than me or like me as well</p> <p>15 as those that were younger than me that stayed on the</p> <p>16 job, still got their job today, to this day.</p> <p>17 Q. Okay. Any other facts that you're aware of that</p> <p>18 would support that your discipline that was issued to</p> <p>19 you was because of your age?</p> <p>20 A. No, I don't have any other facts.</p> <p>21 Q. And I want to ask you the same question then with</p> <p>22 regard to your termination which is a separate</p> <p>23 employment action. Do you have any facts that you're</p> <p>24 aware of other than the fact that you were older than</p> <p>25 your peers in your belief and that you saw other</p>
<p style="text-align: right;">Page 195</p> <p>1 Q. And I think we established today that you no longer</p> <p>2 believe that it was your race, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And that you don't have any facts that would indicate</p> <p>5 that you were disciplined or terminated from the</p> <p>6 company because of your race, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And I think that you've given me your opinion today</p> <p>9 that it was your age because you believed that you</p> <p>10 were older than the other stokers and that you</p> <p>11 believed that you have seen other older stokers that</p> <p>12 were terminated leave the company.</p> <p>13 Other than those two facts, are you aware</p> <p>14 of any other facts that would indicate that you</p> <p>15 were -- any of the discipline we discussed today was</p> <p>16 issued to you because of your age?</p> <p>17 A. No, because Amazon doesn't allow anything of</p> <p>18 technology where I could get more evidence to prove</p> <p>19 that, you know, it -- they do age discriminate there.</p> <p>20 Q. And if you could bring technology into the facility,</p> <p>21 what kind of evidence do you think that you would get</p> <p>22 that would be facts to support that you were</p> <p>23 disciplined because of your age?</p> <p>24 A. Definitely I would have brought -- if they would</p> <p>25 allow us to bring cell phones in, I would have</p>	<p style="text-align: right;">Page 197</p> <p>1 older people as we talked about leave the company,</p> <p>2 are there any other facts that you're aware of that</p> <p>3 would support your conclusion that you were</p> <p>4 terminated from employment at Amazon because of your</p> <p>5 age?</p> <p>6 A. Well, also the fact that there have been many times I</p> <p>7 worked on the same floor of stokers that were much</p> <p>8 younger than me and Griffin would only evaluate me</p> <p>9 and not them. They walk -- walk past their station.</p> <p>10 Q. Any other facts that support that you were terminated</p> <p>11 because of your age?</p> <p>12 A. No.</p> <p>13 MS. FITZKE: We can go off the record?</p> <p>14 (Discussion off the record.)</p> <p>15 (Exhibit 22 marked.)</p> <p>16 BY MS. FITZKE:</p> <p>17 Q. Ms. Timms, showing you Exhibit 22 which I understand</p> <p>18 is a copy of the complaint you filed with the Federal</p> <p>19 Court in Wisconsin in connection with this matter; is</p> <p>20 that right?</p> <p>21 A. Yes.</p> <p>22 Q. So I want you to turn to what is numbered on the</p> <p>23 bottom page 4 of 13.</p> <p>24 A. Okay.</p> <p>25 Q. Toward the top of that page the first full sentence</p>

<p style="text-align: right;">Page 198</p> <p>1 says: Griffin would also say that I would be the 2 only one employee to make a lot of mistakes stowing 3 items in bins.</p> <p>4 Do you see that there?</p> <p>5 A. Yes.</p> <p>6 Q. Is that what Mr. Griffin told you?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. Down that page, halfway down the page, a 9 little bit more than halfway you say: He, meaning 10 Mr. Griffin, said that I was stowing items in bins 11 with poor quality, and I know that I did not stow 12 items in bins with poor quality.</p> <p>13 A. Yes.</p> <p>14 Q. So Mr. Griffin shared with you that it was his 15 opinion that you were stowing with poor quality?</p> <p>16 A. Yes.</p> <p>17 Q. And that was after your hire on March 6th?</p> <p>18 A. Yes.</p> <p>19 Q. On the next page, 5 of 13, you relay in your 20 complaint here how your employment was terminated and 21 you say he, Mr. Griffin, rushed me to sign any 22 termination release papers, and then you explain how 23 you refused.</p> <p>24 My question to you is when you say 25 termination release papers, are you talking about the</p>	<p style="text-align: right;">Page 200</p> <p>1 meeting though that he had to go by the decision of 2 the three departments that also checked the items in 3 the bins?</p> <p>4 A. Yes.</p> <p>5 Q. And you understood that he was relaying to you or had 6 relayed to you that there were three departments that 7 had reported to him that you were not correctly 8 stowing items?</p> <p>9 A. Yes.</p> <p>10 Q. And on page 6 of 13 on the bottom quarter of the page 11 you say: I have always asked people that have to 12 check stowers' items if it okay to put items in the 13 people -- to put items in bins that I stowed, and the 14 people would say yes or they would fix them for me 15 before putting each item that was fixed in the bin.</p> <p>16 A. Yes.</p> <p>17 Q. Can you explain to me what you mean by that 18 statement?</p> <p>19 A. That I stowed -- yeah, that -- let me just -- I have 20 always asked people that have to check stowers' items 21 if it's okay put items in bins that I stowed -- and 22 the people would say yes or they would fix the items 23 for me. Those people that fixed items for me was the 24 PR people, the people that I call and click onto the 25 feature of the computer and screen and have them --</p>
<p style="text-align: right;">Page 199</p> <p>1 document that we looked at, Exhibit 19, the feedback 2 form, the quality termination feedback form that you 3 refused to sign and added your personal comments to?</p> <p>4 A. Um --</p> <p>5 Q. This is what it looks like, Ms. Timms. Do you want 6 to just look at my copy?</p> <p>7 A. What was the question again?</p> <p>8 Q. I'm wondering if Exhibit 19 is the form that you were 9 referring to in your complaint when you said Mr. 10 Griffin rushed you to sign a termination --</p> <p>11 termination release papers.</p> <p>12 A. Yeah, right.</p> <p>13 Q. It was Exhibit 19?</p> <p>14 A. Um-hum.</p> <p>15 Q. Okay. Is that a yes?</p> <p>16 A. Yes. And all the other papers I refused to sign.</p> <p>17 Q. Okay. Were you asked to sign any other papers the 18 day that you were terminated or are you just talking 19 about the previous performance feedback?</p> <p>20 A. The previous performances and that one, the one on 21 May 16th.</p> <p>22 Q. During your termination meeting did Mr. Griffin tell 23 you that he believed that you were a hard worker?</p> <p>24 A. Yes.</p> <p>25 Q. And did Mr. Griffin tell you in the termination</p>	<p style="text-align: right;">Page 201</p> <p>1 that solve problems, problem solvers. And they would 2 put the items in, fix them, because that was their 3 job, the problem solver people that I would have to 4 contact by the -- my computer screen and would fix 5 them, they would -- if it needed taping, if it needed 6 fill in of holes or gaps, they would do all that.</p> <p>7 Q. Okay. So when the problem solver people fixed the 8 issue, then you understood that that was a corrected 9 issue and that wasn't part of the complaints that 10 were being made about you?</p> <p>11 A. Evidently that was because I meant to say that 12 Mr. Griffin did inform me that, you know, I'm not 13 supposed to stow those items after they're taped. 14 That's what he told me.</p> <p>15 Q. Okay.</p> <p>16 A. So -- and I thought I was doing it right because 17 problem solvers say yeah, you can stow those, because 18 I asked them.</p> <p>19 Q. But you understood there were additional issues that 20 were brought to Mr. Griffin's attention, not just 21 about some taped items that were stowed, right?</p> <p>22 A. Yeah. But that's what -- that's what ICQA stated to 23 him it shouldn't be. And the problem solvers say 24 yeah, you can do that because in orientation 25 whenever -- when I got hired, all the supervisors,</p>

<p style="text-align: right;">Page 202</p> <p>1 anybody that was in charge at orientation for the 2 first-time employees would tell first-time employee 3 stowers that, yeah, PR is right, they also -- we need 4 to listen to when we do the job.</p> <p>5 Q. Okay. But that really wasn't my question. My 6 question to you was some of the complaints that ICQA 7 was making about you had to do with things not stowed 8 in the correct bin which is really a different issue 9 than whether you were stowing taped items or not, 10 correct?</p> <p>11 A. Oh, yes.</p> <p>12 Q. So I think halfway down the page you note, and we're 13 still on page 7 of 13: During my employment I was 14 given warnings for low or poor items.</p> <p>15 A. Yes.</p> <p>16 Q. And that would be poor stowing; is that right?</p> <p>17 A. Poor items. Items for stowing.</p> <p>18 Q. What's that?</p> <p>19 A. Damaged items like for stowing. That's what poor 20 quality items were.</p> <p>21 Q. You've attached a number of items regarding Amazon, 22 Inc's financials, and those -- I understand from 23 other things you submitted that you just went and 24 printed some things off the internet?</p> <p>25 A. Yes, I did.</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Did you understand that you in fact worked for an 2 entity called Amazon.com DEDC LLC?</p> <p>3 A. No, because they will always -- supervisors, they 4 would state Amazon Fulfillment is Amazon, Inc., is 5 the same, is the same company, it's Amazon.com DEDC 6 LLC.</p> <p>7 Q. So you just believe that they were all the same 8 companies?</p> <p>9 A. I didn't believe it, I asked a supervisor, and they 10 said, told me yes.</p> <p>11 Q. Do you have any idea how Amazon.com DEDC LLC is 12 related to Amazon.com, Inc?</p> <p>13 A. Do I believe that?</p> <p>14 Q. No, do you know how Amazon.com DEDC LLC is related in 15 the corporate structure to Amazon, Inc?</p> <p>16 A. I did know, but I forgot because they did explain it 17 to us how all Amazon sections of corporations are 18 linked together.</p> <p>19 Q. Who explained it to you?</p> <p>20 A. Supervisors at Amazon.</p> <p>21 Q. And which supervisor?</p> <p>22 A. I don't know the name, their names. It's like five 23 supervisors that would give -- hear on the speaker in 24 the factory, you know, go to the cafeteria, we have a 25 big meeting.</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. Did you make any attempt to verify the accuracy of 2 that information?</p> <p>3 A. No, I couldn't because I would have needed a lawyer, 4 and I didn't -- well, I attempted to go and find a 5 lawyer. And I contacted six lawyers, and they said 6 they still couldn't do my case, and they couldn't 7 follow up or try to investigate Amazon's gross 8 profits or whatever.</p> <p>9 Q. All right. You know you didn't actually work for 10 Amazon, Inc., right?</p> <p>11 A. I did work for Amazon. I was informed that Amazon, 12 Inc., was Amazon Fulfillment.</p> <p>13 MS. FITZKE: Can we mark this, please?</p> <p>14 THE WITNESS: It's still the same company. 15 (Exhibit 23 marked.)</p> <p>16 BY MS. FITZKE:</p> <p>17 Q. Showing you Exhibit 23, Ms. Timms, this is a copy of 18 some earnings statements that you produced to me in 19 connection with the case. And I understand these are 20 your paycheck stubs or earning statements that you 21 received from Amazon while you worked there, right?</p> <p>22 A. Yes, correct.</p> <p>23 Q. Do you see on the top left-hand corner where it 24 indicates that it's from Amazon.com, DEDC LLC?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. So you know that Amazon.com, Inc., is the entity that 2 you sued, they have some indirect ownership interest 3 in Amazon.com DEDC LLC?</p> <p>4 A. Yes.</p> <p>5 Q. But you don't know what that ownership interest is or 6 how the corporations are structured?</p> <p>7 A. I used to. I was told, but I don't remember because 8 they stated it and they explained it in a cafeteria 9 meeting.</p> <p>10 Q. That's what I'm asking you. As you sit here today, 11 you can't explain to me how Amazon.com DEDC LLC 12 relates to Amazon.com, Inc?</p> <p>13 A. No, I can't explain to you right now.</p> <p>14 Q. And you don't dispute that you received your payment 15 while you worked for Amazon from Amazon.com DEDC LLC?</p> <p>16 A. No, I don't dispute that. I made a mistake for my 17 first termination was March 16th, second one was May, 18 May, was in May.</p> <p>19 Q. Okay. You produced to me in this case, Ms. Timms, 20 some W-2 forms that you received from Integrity 21 Staffing.</p> <p>22 A. Yes.</p> <p>23 Q. Do you also have in your possession W-2 forms that 24 you received from Amazon?</p> <p>25 A. No, I don't.</p>

<p style="text-align: right;">Page 206</p> <p>1 Q. And why don't you have those?</p> <p>2 A. I just have this from what was stated of Amazon.</p> <p>3 Q. But at the end of the -- either at the end of your</p> <p>4 employment, at the end of last year, early this year,</p> <p>5 did you receive a W-2 form that you could use to</p> <p>6 complete your taxes?</p> <p>7 A. Yeah, I received it.</p> <p>8 Q. Can you produce a copy of that to me, please?</p> <p>9 A. I don't have that on me today.</p> <p>10 Q. Correct. But you can mail me one?</p> <p>11 A. Oh, I'll give you W-2 forms of just me, my presence</p> <p>12 of Amazon being permanent? From the day that they</p> <p>13 made me permanent?</p> <p>14 Q. Do you know what a W-2 form is?</p> <p>15 A. Yeah, I know what a W-2 form is.</p> <p>16 Q. Your tax form from the end of the year?</p> <p>17 A. Yeah.</p> <p>18 Q. I want the tax form from Amazon.</p> <p>19 A. From this year and last year?</p> <p>20 Q. I have the one that you got from Integrity Staffing.</p> <p>21 A. Okay.</p> <p>22 Q. It's my understanding that you only worked for Amazon</p> <p>23 in the calendar year 2016, right?</p> <p>24 A. Yes.</p> <p>25 Q. As a direct Amazon employee?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Did you understand that Amazon.com DEDC LLC was the</p> <p>2 entity that responded to your employment claim and</p> <p>3 whose account was charged for the unemployment</p> <p>4 benefit that you received?</p> <p>5 A. Yeah, yeah.</p> <p>6 MS. FITZKE: Mark that, please.</p> <p>7 (Exhibit 24 marked.)</p> <p>8 BY MS. FITZKE:</p> <p>9 Q. Showing you Exhibit 24, this is a document I received</p> <p>10 from you relating to your unemployment benefits. And</p> <p>11 on the second page of that document it reflects that</p> <p>12 Amazon.com DEDC LLC is the corporate entity</p> <p>13 responsible for your benefit?</p> <p>14 A. Yes.</p> <p>15 Q. Is that right?</p> <p>16 A. Yes.</p> <p>17 Q. And did you receive \$290 was it a week in benefits?</p> <p>18 A. It was weekly.</p> <p>19 Q. Okay.</p> <p>20 A. It was weekly, yes.</p> <p>21 Q. How much money do you receive from the State of</p> <p>22 Wisconsin Food Share program?</p> <p>23 A. It's hard to say, but monthly I receive one -- about</p> <p>24 \$198.</p> <p>25 Q. A month?</p>
<p style="text-align: right;">Page 207</p> <p>1 A. Yes.</p> <p>2 Q. So you should only have one W-2 form from Amazon; is</p> <p>3 that right?</p> <p>4 A. Yes.</p> <p>5 Q. And it's that W-2 form that I'd like to receive.</p> <p>6 A. You'd like it mailed?</p> <p>7 Q. Yes. It's responsive to the discovery request. And</p> <p>8 I think you should have one from the State of</p> <p>9 Wisconsin as well relating to your unemployment</p> <p>10 benefit.</p> <p>11 A. Of my unemployment benefit?</p> <p>12 Q. Correct. So you should have a W-2 form for that. If</p> <p>13 you could send that as well?</p> <p>14 A. Okay.</p> <p>15 Q. Other than -- we should just establish for the</p> <p>16 record, after you were fired from Amazon, you</p> <p>17 collected unemployment for a period of time?</p> <p>18 A. Could you repeat the question?</p> <p>19 Q. Yup. After you were fired by Amazon, you received</p> <p>20 unemployment for a period of time?</p> <p>21 A. Yes.</p> <p>22 Q. And for how long?</p> <p>23 A. From June through -- I'm sorry, yeah, from June,</p> <p>24 month, I don't know the exact day, to August, yeah,</p> <p>25 August, June to August.</p>	<p style="text-align: right;">Page 209</p> <p>1 A. A month.</p> <p>2 Q. Do you have any other source of income currently?</p> <p>3 A. No, not at this time.</p> <p>4 Q. How did you get to and from work when you worked at</p> <p>5 Amazon?</p> <p>6 A. I drove sometimes car rental, sometimes I carpooled</p> <p>7 but reimburse the car pool. But mostly it was car</p> <p>8 rental. I drove myself back and forth.</p> <p>9 Q. Reimburse the car pool from who?</p> <p>10 A. From my stepfather. We did a deal until I was able</p> <p>11 to get -- save enough money on the side to start</p> <p>12 doing car rental to drive myself out there and back</p> <p>13 here.</p> <p>14 Q. So you would rent cars to go to work?</p> <p>15 A. Um-hum, yes.</p> <p>16 Q. And you produced a number of rental car receipts in</p> <p>17 this case.</p> <p>18 A. Yes.</p> <p>19 Q. And fuel receipts.</p> <p>20 A. Yes.</p> <p>21 Q. And are those for the rental cars that you rented to</p> <p>22 get to and from work?</p> <p>23 A. Yes, as well as the gas receipts, that was for gas</p> <p>24 and sometimes lunch, partially lunch.</p> <p>25 Q. While you were at work?</p>

53 (Pages 206 - 209)

<p style="text-align: right;">Page 210</p> <p>1 A. While I was at work or leaving work, yeah.</p> <p>2 Q. And why do you contend that Amazon should reimburse</p> <p>3 you for money you spent getting to and from work and</p> <p>4 for your lunch and gas to get there?</p> <p>5 A. Because it is a long way. And the fact that they --</p> <p>6 during their meetings they always state they're going</p> <p>7 to build a plant to hire more workers, but they never</p> <p>8 talk about building a plant here in Milwaukee. And a</p> <p>9 lot of people asked them that throughout the meetings</p> <p>10 including me. They don't know why, but it's up to</p> <p>11 the head people. Just supervisors can only state</p> <p>12 what Amazon is going to do.</p> <p>13 Q. And how is Amazon choosing not to build a plant in</p> <p>14 Milwaukee a financial damage to you resulting from</p> <p>15 your termination of employment?</p> <p>16 A. If they had a plant here in Milwaukee, I don't think</p> <p>17 I would have been terminated.</p> <p>18 Q. Why do you say that?</p> <p>19 A. Personally because it wouldn't be extra work for me</p> <p>20 to do to drive back there and here and back which was</p> <p>21 a little stressful. I wouldn't have had that much</p> <p>22 stress and why I was stating to the fact -- when I</p> <p>23 stated to you that I go and see a psychologist to do</p> <p>24 an analysis of my emotional distress due to working</p> <p>25 for Amazon, you know, and my blood pressure wouldn't</p>	<p style="text-align: right;">Page 212</p> <p>1 MS. FITZKE: Can we mark that, please?</p> <p>2 THE WITNESS: Plus it was part of my</p> <p>3 wages. So it came out of my wages. That's why I</p> <p>4 think I feel and believe Amazon should reimburse me.</p> <p>5 (Exhibit 25 marked.)</p> <p>6 BY MS. FITZKE:</p> <p>7 Q. I'm showing you Exhibit 25 which is a document I</p> <p>8 understand you put together to help respond to our</p> <p>9 written discovery requests in this case. And you</p> <p>10 say: These are receipts of car rentals I paid to</p> <p>11 drive to work from Milwaukee, Wisconsin, to Kenosha,</p> <p>12 Wisconsin on work days in a car rental I paid to</p> <p>13 drive to Kenosha, Wisconsin to Amazon, Inc.,</p> <p>14 headquarters on the day I gave the defendants a</p> <p>15 summons court waiver pack to give to their attorneys</p> <p>16 which reflects the cost of the damages and wages.</p> <p>17 A. Yes.</p> <p>18 Q. So my question to you is other than car rentals to go</p> <p>19 back and forth to work and other than the car rental</p> <p>20 that you got on the day that you brought down your</p> <p>21 summons and complaint with your waiver of service to</p> <p>22 the Amazon facility, have you -- do you claim that</p> <p>23 there are any other car rental payments or gas</p> <p>24 payments that are your damages in this case?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 211</p> <p>1 have been so high. You know, I probably would have</p> <p>2 performed better. But not only that, the supervisors</p> <p>3 probably would have been more reasonable here in</p> <p>4 Milwaukee. And not only that, a lot of -- it would</p> <p>5 be a lot less stress and less evaluations for me</p> <p>6 because they would have been able to hire more and</p> <p>7 more people where Jeff Griffin wouldn't have been</p> <p>8 just targeting me, you know.</p> <p>9 Q. Why do you believe Jeff Griffin was targeting you?</p> <p>10 A. I believe because I was older, and I was one of</p> <p>11 the -- and since I was one of the older workers, I've</p> <p>12 seen supervisors do what he did with me. Evaluate</p> <p>13 other workers, may not have been every week, but it</p> <p>14 would have been like I would see two or three old --</p> <p>15 workers that were a little older than me probably --</p> <p>16 or my age get evaluated.</p> <p>17 Q. But you can't identify for me who those older workers</p> <p>18 are?</p> <p>19 A. I just can't.</p> <p>20 Q. Okay.</p> <p>21 A. I forgot their names.</p> <p>22 Q. And these are the same facts we already talked about</p> <p>23 before, right?</p> <p>24 A. Um-hum, right.</p> <p>25 Q. So we don't need to go over that again.</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Do you claim that other than the lunches that you had</p> <p>2 the days that you worked at Amazon, are you claiming</p> <p>3 money for any other kind of food expense in</p> <p>4 conjunction with this case?</p> <p>5 A. No.</p> <p>6 Q. Okay.</p> <p>7 (Exhibit 26 marked.)</p> <p>8 BY MS. FITZKE:</p> <p>9 Q. I'm showing you Exhibit 26 which is an invoice from</p> <p>10 the ProCare Clinic.</p> <p>11 A. I'm a little slow now that I'm a little tired.</p> <p>12 Q. 26 is the invoice from the ProCare Clinic. Is this</p> <p>13 the invoice that you are seeking to have the company</p> <p>14 pay because you claim it is for health conditions</p> <p>15 caused by Amazon?</p> <p>16 A. Yes.</p> <p>17 Q. And this is for the treatment with Doctor Vicki we</p> <p>18 talked about earlier?</p> <p>19 A. One of the treatments, yes.</p> <p>20 Q. Okay. Are there other receipts?</p> <p>21 A. No. I don't have them with me.</p> <p>22 (Exhibit 27 marked.)</p> <p>23 BY MS. FITZKE:</p> <p>24 Q. Showing you, Ms. Timms, Exhibit 27 which is a</p> <p>25 handwritten note and some receipts that indicates:</p>

<p style="text-align: right;">Page 214</p> <p>1 These are the receipts of the banks that I banked at 2 and got the money to xerox copies of documents for 3 filing the lawsuit, papers to open up the case for 4 printing out Amazon's gross profit money that they 5 made from 2015 to 2016 grace period and for traveling 6 to and from Milwaukee to Kenosha, Wisconsin for work 7 and the days to give Amazon lawsuit papers from the 8 courthouse, et cetera. Okay.</p> <p>9 So my question to you is are you claiming 10 that all of these -- all the money reflected in these 11 receipts is money that you spent to help prosecute 12 this case?</p> <p>13 A. Yeah.</p> <p>14 Q. And when you say that some of it is for money spent 15 traveling to and from Milwaukee to Kenosha, Wisconsin 16 for work, would those be the receipts that would be 17 dated before your termination date then?</p> <p>18 A. Yes.</p> <p>19 Q. And so some of these receipts might duplicate 20 expenses that you spent on, for example, fuel or 21 rental cars? I guess here is the question. Some of 22 the expenses that you gave me for fuel and rental 23 cars, was that money paid with some of the cash that 24 you withdrew from the banks on these dates?</p> <p>25 A. Just one rental car rental which was to get the</p>	<p style="text-align: right;">Page 216</p> <p>1 A. They didn't know. They didn't know they had mail, I 2 was sending mail to them. 3 (Exhibit 28 marked.)</p> <p>4 BY MS. FITZKE:</p> <p>5 Q. 28 I believe, Exhibit 28 to your deposition is I 6 believe a copy of an email that you sent to Matt 7 Kurlinski, my colleague; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. The second paragraph of this email I think starts 10 identifying the damages that you claim you're 11 entitled to in this case on a monetary basis. You 12 start off by saying you'd like to claim \$7,269.40 in 13 damages, and then you explain you'd like to claim 14 that amount for wages; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. And how did you go about calculating that, \$7,269.40 17 for wages?</p> <p>18 A. It would be the same amount of -- the same amount of 19 wages for car rental -- it was car rental purchases 20 and gas and any lunch expenses. Basically that's it.</p> <p>21 Q. What kind of purchases, car rental purchases you 22 mean?</p> <p>23 A. Car rental purchases including the day to go up to 24 Amazon, let them know they were getting sued. And 25 then they got a bunch of mail they never opened up I</p>
<p style="text-align: right;">Page 215</p> <p>1 summons of this -- of the filing of the starting up 2 of this case going.</p> <p>3 Q. Okay.</p> <p>4 A. Because I had to go there in person on the premises 5 for that.</p> <p>6 Q. Well, you didn't actually. Did you know you could 7 have mailed that?</p> <p>8 A. Yeah, but I had to -- I had to inform them that they 9 were getting mail. They didn't know. They didn't 10 know they were getting it.</p> <p>11 Q. You understood that in order to effectuate service by 12 waiver like you did, that you could have sent that 13 waiver by mail and waited for the company's response?</p> <p>14 A. Yeah, I did. But they didn't know they had the mail. 15 They didn't know they had it. HR didn't know they 16 had it. And then that's when they contacted you all 17 because they didn't know they were getting sued. So 18 I still had to go up there.</p> <p>19 Q. Well, they hadn't responded to your complaint yet, 20 right?</p> <p>21 A. No, HR, I talked to two head HR supervisors. They 22 said no, we didn't know this was -- this lawsuit is 23 going on. So let's call -- I have to call now our 24 lawyer. That's what two supervisors told me.</p> <p>25 Q. Yeah, they might not necessarily know that.</p>	<p style="text-align: right;">Page 217</p> <p>1 mailed them, and gas, car gas, expenses and lunches 2 expenses.</p> <p>3 Q. Okay. And I think you explained what the other 4 expenses that you're claiming in this case are. Are 5 there any other -- other than what you've documented 6 in Exhibit 28 here, are there any other monetary 7 losses that you claim you suffered as a result of 8 your termination from Amazon?</p> <p>9 A. No, just what all I state I predict -- I mean I wish 10 to have for damages and wages and for emotional 11 distress.</p> <p>12 Q. After you were terminated from Amazon I understand 13 that you would have lost your health coverage with 14 them, right?</p> <p>15 A. Yes.</p> <p>16 Q. You would have been given the opportunity for COBRA, 17 but I expect you didn't have the money to participate 18 in COBRA; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. So then did you go back on the Medicaid plan with the 21 State?</p> <p>22 A. Yes, that's why I'm on Medicaid.</p> <p>23 Q. Did you have any period of time where you were 24 uncovered by a health plan?</p> <p>25 A. Yeah, within the two month period of time that I</p>

<p style="text-align: right;">Page 218</p> <p>1 was -- well, actually, the period of time that I was 2 on unemployment comp from June to August, then I was 3 able to get on Medicaid through Food Share program. 4 Q. And then are you still on Medicaid? 5 A. Yes, I am. 6 Q. And have you had any medical expenses that you had to 7 pay for out-of-pocket, out of your own pocket, that 8 you would not have had if you were still on the 9 Amazon plan? 10 A. No, I don't. 11 (Exhibit 29 marked.) 12 BY MS. FITZKE: 13 Q. Ms. Timms, as part of this lawsuit are you seeking 14 reinstatement or to be returned to your job at 15 Amazon? 16 A. I wouldn't mind but for the fact Mr. Griffin informed 17 me and made it clear that the day that he terminated 18 me, fired me, that I could not, even if I applied for 19 any job up at Amazon or tried to get my job back, I 20 couldn't because by their policy, their rule of 21 hiring and firing. So they wouldn't rehire me. 22 Q. Right. But if it was something that was available to 23 you, it's something you would like? 24 A. To get my job back? 25 Q. Yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. How long after you were terminated from Amazon did 2 you wait before you started looking for another job? 3 A. Oh, shoot, like a week, three, four days, then I 4 started applying for work, looking for work, going to 5 job interviews, call me back. 6 Q. So you had identified a number of things in your 7 interrogatory answers like Office Depot and Palermo's 8 Pizza. Were you only applying to management level 9 jobs at those locations? 10 A. Mostly, yes, because my future goal is to, like I 11 told you earlier, to own a McDonald's or to -- if I 12 do work someplace else, it will be, it will be 13 probably a manager job. 14 Q. Okay. 15 A. Like McDonald's, shift manager. 16 Q. Other than the CNC jobs that you identified, can you 17 identify for me any of the -- any job that you 18 applied for that was not a management level job or a 19 CNC operator job? 20 A. Assembler I've been applying for also, that's about 21 it. 22 Q. Okay. In your interrogatory answer -- so on the 23 second page of Exhibit A, about a quarter of the way 24 down, it says: I, the plaintiff, Athena E. Timms 25 could not get witnesses that I asked to be my</p>
<p style="text-align: right;">Page 219</p> <p>1 A. Yes. Yes, with wages and damage payback, with damage 2 and payback, expenses payback. 3 Q. Did you participate in any kind of retirement plan 4 while you worked at Amazon? 5 A. Yes. They made us. You have to do that or else you 6 could face termination. Two supervisors stated to 7 all employees there. It was a policy. That's how it 8 is. You've got to do that or else they assume -- 9 will terminate you. And they give you two years to 10 do it as long as you're a regular employee. 11 Q. Had you started participating in the plan by the time 12 you were fired? 13 A. I did the first week they hired me, the first two 14 weeks. 15 Q. Did you have -- did the company provide any match to 16 the amount of money that you would put into the 17 401(k)? 18 A. Um-hum, and they sent me a W-2. 19 Q. Okay. And what was the company provided match? 20 A. I don't remember. I didn't memorize it, but I got 21 it, and it's at home. It's at my house. It's at 22 home. So I didn't bring it. 23 Q. So when you copy those other W-2 forms for me, can 24 you please copy that information as well? 25 A. Okay.</p>	<p style="text-align: right;">Page 221</p> <p>1 witnesses of representing me in this case against 2 Amazon. 3 Do you see where I'm reading? 4 A. Yes. 5 Q. Were there former coworkers that you talked to that 6 you asked to be your witnesses in this case and they 7 said no? 8 A. It was like a hypothetical thing. It was while I was 9 still working for Amazon, if I get fired. Because 10 this was the week before the week that Mr. Griffin 11 fired me that I talked to three coworkers. If I get 12 fired, will y'all, you know, could you all, you know, 13 be my witness or anything. And they told me no, they 14 are too scared. They might lose their job. They 15 didn't want to get involved. 16 Q. Who were those coworkers? 17 A. See, I don't remember their names. I don't remember 18 names. But they were -- but when I see them, then it 19 come to me, their names come to me. 20 Q. Did any of those coworkers express to you that they 21 believed that you were being treated unfairly because 22 of your age? 23 A. Yeah, because I talked to them about it. And they 24 said yeah, they believe it. 25 Q. So the only thing that they knew about your</p>

<p style="text-align: right;">Page 222</p> <p>1 performance counseling or discipline was the things 2 that you told them?</p> <p>3 A. Right.</p> <p>4 Q. Other than yourself and Mr. Griffin, are you aware of 5 any -- the identity of any individual that you 6 believe has information or knowledge regarding your 7 allegations against the company?</p> <p>8 A. No, I don't, except for the Marquette volunteers that 9 I've been going to.</p> <p>10 Q. What do you mean?</p> <p>11 A. The Marquette volunteers that I go to, ask for --</p> <p>12 Q. The legal assistant people?</p> <p>13 A. Yeah, legal assistant.</p> <p>14 Q. And what they know, they know just the things that 15 you've shared with them?</p> <p>16 A. Yeah, just questions, answers and questions. They 17 all want to know about this case.</p> <p>18 Q. Five pages in there is an item that starts with D.</p> <p>19 A. Five pages in, item --</p> <p>20 Q. It's got a small D at the top left-hand corner.</p> <p>21 A. Of my outline. Okay.</p> <p>22 Q. Actually, let's skip that. One of the interrogatory 23 answers, and I can just read it to you. And if you 24 want to find it and read it with me, we can take the 25 time to do that, too. But one of your interrogatory</p>	<p style="text-align: right;">Page 224</p> <p>1 A. It was a car rental for me to go to Amazon. And for 2 some reason I didn't know that I parked in my 3 mother's neighborhood block that you need two 4 permits, you need a night permit and day permit. I 5 only had a night permit, so they gave me a parking 6 ticket for the day permit.</p> <p>7 Q. And why should Amazon pay you for that?</p> <p>8 A. Because I had to go to let them know that there is a 9 lawsuit going on. And I been sending them mail, and 10 they didn't know anything about it. Or else I would 11 have returned the car rental that same day that I 12 went. And it took awhile for me to get HR to come to 13 their window to let me -- let them -- to have me to 14 let them know they're getting sued. And I sent mail 15 over for the summons.</p> <p>16 (Exhibit 30 marked.)</p> <p>17 THE WITNESS: Took almost three hours.</p> <p>18 BY MS. FITZKE:</p> <p>19 Q. Showing you Exhibit 30 to your deposition. I just 20 had a couple of questions. On the third page of this 21 document there was something I didn't quite 22 understand. In response to document request No. 6 23 you have put your answer there on the third page. 24 And you say as part of that answer: I did not file 25 against Amazon, Inc., because I did not meet the</p>
<p style="text-align: right;">Page 223</p> <p>1 answers says: On May 16, 2016 I was told that I was 2 terminated because three departments reported me for 3 low or poor quality items which was not true.</p> <p>4 A. Yes, that's what I said.</p> <p>5 Q. And when you say this was not true, are you saying 6 it's not true that you had low or poor quality items?</p> <p>7 A. It was true that I was not stowing low poor quality 8 items.</p> <p>9 Q. Okay. But it is true that three different 10 departments complained to Mr. Griffin about you?</p> <p>11 A. Yes.</p> <p>12 Q. And then in response to interrogatory No. 6, you say: 13 The total amount of expenses to file this lawsuit I 14 am doing against the defendant Amazon, Inc., is \$796. 15 And then you -- it looks like you go ahead 16 to delineate how you got there. Was that your best 17 effort to kind of identify the expenses that you got 18 in conjunction with filing the case?</p> <p>19 A. That's wrong. It should be \$7,000 -- oh, wait a 20 minute. No, that's right. \$796, you're right.</p> <p>21 Q. Okay. And included in that is a \$25 parking ticket 22 that you got?</p> <p>23 A. Um-hum, yes.</p> <p>24 Q. And you got that -- what were you doing the day that 25 you got the parking ticket?</p>	<p style="text-align: right;">Page 225</p> <p>1 deadline to charge Amazon, Inc., also for maybe 2 prejudice against darker complexion women that are 3 age older than 40 years old.</p> <p>4 A. Yes.</p> <p>5 Q. I didn't understand what you were trying to say 6 there.</p> <p>7 A. Well, they do race discriminate I believe, but that's 8 not why I'm suing them. I'm suing them for age 9 discrimination because they do -- they do let go even 10 Caucasian men, Caucasian women along with me. But 11 there is a lot of light skinned black women that 12 still stay on the job that I been told -- they have 13 told me like I told you earlier of the two women, 14 they are very light skinned complected black women 15 that I told them about my evaluation every week. And 16 they said they get evaluated, too, but not every 17 week.</p> <p>18 And it's the same thing, they come back to 19 them, two or three departments are complaining to 20 them about whatever. But they told me don't worry 21 about it, it's just nothing because they been there 22 for two years. They have been living -- working 23 there for two years.</p> <p>24 Q. Can you identify for me any Caucasian people -- well, 25 let me ask you this because I think we already</p>

<p style="text-align: right;">Page 226</p> <p>1 established that you're not suing the company for 2 race discrimination, right? 3 A. Yes. 4 Q. So let's focus on age. Can you identify for me any 5 younger workers who had similar performance issues 6 reported about them who still work for the company or 7 who did not get fired? 8 A. I can't tell you their names or whatever. 9 Q. Can you describe anyone that meets that description 10 for me, that being someone who is under the age of 40 11 who had three departments report problems about their 12 stowing who did not get fired by the company? 13 A. Yeah, they're in their 20s, two women that were in 14 their 30's, the ones that I just mentioned. 15 Q. You're aware of two women in their 30's who had three 16 departments report problems about their stowing? 17 A. Well, one woman, she's in her -- sorry, early 20s, 18 and the other one was in her 30s. 19 Q. And they both had three different departments report 20 problems to management about their stowing? 21 A. Yeah, they said evaluation was similar to mine, that 22 supervisor coming to them complaining through ICQA 23 and the other two departments. And but they have 24 been working there for two years. 25 Q. Okay. And you can't identify them for me?</p>	<p style="text-align: right;">Page 228</p> <p>1 A. No, I don't. 2 Q. You noted in one of your answers that as a result of 3 some of the stress or emotional distress that you 4 claim resulted from your termination that sometimes 5 you take aspirin and cough syrup? 6 A. Sometimes I do. 7 Q. Is that to help you sleep or for another reason? 8 A. It's for pain and -- it's for body pain I have a lot 9 of, and it's for sometimes my chest gets congested or 10 I just can't breathe through my nostrils, like it 11 stuffs up, it stuffs up, stuffy nose, stuffy, runny 12 nose. 13 Q. You believe that you're getting stuffy and runny 14 noses because of your termination from Amazon? 15 A. After that I got a little sick, yeah, I got a little 16 sick. I got a little sick. 17 Q. Right after your termination? 18 A. Um-hum. 19 Q. Is that a yes? 20 A. Yes. 21 Q. And for how long were you sick? 22 A. I was sick off and on. I was feeling better after 23 taking the medicine and aspirin. Then the pain comes 24 up in my body again. It's like every three to four 25 weeks.</p>
<p style="text-align: right;">Page 227</p> <p>1 A. No, I can't identify them. I don't know, I don't 2 remember their names. 3 Q. Do you know what efforts were made to provide them 4 with retraining opportunities like you received? 5 A. Yeah, they told me the same thing. I told them 6 everything I get, a trainer, and they tell me the 7 same thing, they get it, too. 8 Q. So they said after the complaints were made about 9 them, they also got a trainer? 10 A. Yes. 11 Q. And did they say that after they got retrained that 12 they didn't get complaints about them anymore? 13 A. No, they didn't say that. 14 Q. After they got retrained, did they continue to get 15 complaints about their performance to your 16 understanding? 17 A. I don't know. 18 Q. You don't know one way or the other? 19 A. They didn't say that. 20 Q. Okay. 21 A. They didn't say that. 22 Q. Other than those two women, are there any other 23 younger employees that you're aware of who had three 24 different departments complain about them that 25 continue to work for the company?</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Has that been consistent every three to four weeks 2 since your termination? 3 A. Yeah. With the exception of my nose stopped running 4 and stopped stuffing up. 5 Q. When did your nose stop running and stop stuffing up? 6 A. It was around was it January this year basically. It 7 was this year. 8 Q. Did any medical doctor ever tell you that you were 9 experiencing problems with your nose, having a runny 10 nose or being stuffy or other sinus problems because 11 of what had occurred at Amazon? 12 A. No. But I talk about it with the psychologist. 13 Q. Okay. When you say you're having body pain, what is 14 this body pain that you're having? Can you describe 15 it for me? 16 A. Pain in my back leg, calves, calves, back, leg, 17 calves, knees, my shoulders started getting in -- 18 being in pain. And I've been going to the doctor, 19 and I've been taking my blood pressure pills. 20 Q. Have the doctors said that that pain is associated 21 with your high blood pressure? 22 A. No, they have not associated that, no. 23 Q. Did they tell you what it's caused by? 24 A. No, they didn't tell me. They didn't tell me. 25 Q. Has any medical provider ever told you that your body</p>

<p style="text-align: right;">Page 230</p> <p>1 pain that you described for me is caused by what 2 happened at Amazon?</p> <p>3 A. No, they didn't tell me that. But when I talked to a 4 psychologist, she states, you know, it could be a 5 possibility due to the fact of stress. Stress leads 6 to that, bring blood pressure up and make a person 7 sick.</p> <p>8 Q. You know a psychologist isn't a medical doctor, 9 right?</p> <p>10 A. No, it is not. No, they're not. Yeah, I know.</p> <p>11 Q. Do you know who Billy Sisson is?</p> <p>12 A. Billy Sisson?</p> <p>13 Q. Yeah, did you have a coworker at Amazon named Billy 14 Sisson?</p> <p>15 A. I don't recall. I don't remember any coworkers's 16 names.</p> <p>17 Q. Okay.</p> <p>18 A. No, I don't.</p> <p>19 Q. Have you drawn the conclusion or do you believe that 20 your body pain is caused by what happened at Amazon?</p> <p>21 A. I believe so.</p> <p>22 Q. Okay. But no medical provider has ever told you 23 that's the case?</p> <p>24 A. No.</p> <p>25 Q. Other than your sinus issues that you had and your</p>	<p style="text-align: right;">Page 232</p> <p>1 Amazon?</p> <p>2 A. No.</p> <p>3 Q. And when you said in addition that you had emotional 4 distress, how has that emotional distress manifested 5 for you?</p> <p>6 A. Well, I'm still having body pains, my blood pressure 7 still got to get monitored because I wasn't -- I 8 got -- have a confession, haven't told my doctor yet, 9 I have a confession to make, I even when I wasn't 10 working at Amazon, I wasn't taking my blood pressure 11 medicine. And then my blood pressure was like -- has 12 been over 100 and something. So I monitored it.</p> <p>13 And while I'm still dealing with this 14 case, it went up a little bit more over 100 and -- it 15 was 102, then it went up 105. It goes up like that. 16 So then, you know, she put me on blood pressure 17 pills. It's down now because I'm on blood pressure 18 pills.</p> <p>19 Q. And did any medical provider ever tell you that your 20 blood pressure went up because of what happened at 21 Amazon?</p> <p>22 A. No. I have a question. Before we continue, can I go 23 to the washroom?</p> <p>24 Q. Sure.</p> <p>25 (Recess taken.)</p>
<p style="text-align: right;">Page 231</p> <p>1 body pain as you've described it, have you had any 2 other physical or mental problems that you attribute 3 to what occurred at Amazon?</p> <p>4 A. I'm sorry, I just need some air a little bit. I need 5 some space. Okay. What did you say now? I'm sorry.</p> <p>6 Q. Other than your body pain and your sinus issues that 7 you described, do you have any other issues or have 8 you had any other symptoms, either physically or 9 mentally, that you attribute to what had occurred at 10 Amazon?</p> <p>11 A. No, other than emotional distress and the body pain, 12 the coughing, I was constantly coughing crazy and the 13 nose, stopped up nose.</p> <p>14 Q. Were you coughing at the same time that you were 15 having the sinus issues?</p> <p>16 A. Yeah, I was.</p> <p>17 Q. And did that end at the same time as your sinus 18 issues?</p> <p>19 A. The coughing stopped later, after the sinus issues 20 stopped.</p> <p>21 Q. So did you have the coughing issues from May until 22 sometime into 20 --</p> <p>23 A. Up until this month, actually, yeah, February.</p> <p>24 Q. Has any medical doctor ever told you that your 25 coughing issues are related to what happened at</p>	<p style="text-align: right;">Page 233</p> <p>1 BY MS. FITZKE:</p> <p>2 Q. So I think, Ms. Timms, before the break what I was 3 asking you about is you had mentioned experiencing 4 some amount of emotional distress following your 5 termination.</p> <p>6 A. Yes.</p> <p>7 Q. And I'm wondering how did that emotional distress 8 manifest for you or how did you experience it?</p> <p>9 A. Like I told you before, I go to a psychologist, not a 10 doctor but she, you know -- but to do the analysis to 11 write about my emotional distress on the job. I 12 think it came up about just being -- having those 13 problems starting last year, since Amazon fired me. 14 My nose started stopping up, and I started getting 15 headaches. And then that's what the aspirins were 16 for, cough syrup was for that. And then also my 17 pain, aspirin was also for my body pain.</p> <p>18 Q. How often did you experience headaches that you 19 attribute to Amazon?</p> <p>20 A. It was just only after I -- the week that --</p> <p>21 Q. The week after your firing?</p> <p>22 A. Yeah, and then every other, every two weeks.</p> <p>23 Q. And did they stop at some point?</p> <p>24 A. They stopped and they come back.</p> <p>25 Q. So you're still getting headaches?</p>

<p style="text-align: right;">Page 234</p> <p>1 A. Yeah, I'm still getting headaches. 2 Q. Are you still getting -- 3 A. That's one reason I went back to the doctor because 4 of my pains and headaches. 5 Q. Are you getting the headaches every other week still? 6 A. Every two weeks or sometimes four weeks or sometimes, 7 yeah, it varies. It's abnormal times every month. 8 Q. Did you ever go to a psychologist or a mental health 9 professional before you were terminated from Amazon? 10 A. No, no, I didn't. 11 Q. Did you ever seek medical treatment for headaches 12 before your termination from Amazon? 13 A. No, I didn't. 14 Q. Has your -- other than what you've already told me, 15 so I'm not saying you haven't already shared with me 16 some stuff, you shared with me your body pains, your 17 headaches, other than what's already in our record 18 here, were there any other ways that your emotional 19 distress kind of manifested for you, any other 20 symptoms that you claimed to have experienced 21 physically or emotionally because of the distress? 22 A. Well, I think so because I think it was, you know, 23 I'm getting -- I have issues where I have side pains 24 once a month. I'm a woman, so I give off a lot of, 25 you know -- I have the time of my month, my cycle.</p>	<p style="text-align: right;">Page 236</p> <p>1 Q. Other than what you've already told me -- let me ask 2 you this. 3 The side problems that you described, did 4 Doctor Vicki tell you that those symptoms you were 5 experiencing were caused by having been terminated 6 from Amazon? 7 A. You mean my doctor? 8 Q. Correct. 9 A. She -- one of them said it's a possibility anxiety 10 can lead to that. 11 Q. I thought you said you were treating for the side 12 issue with doctor -- the doctor you called Vicki that 13 you said is a medical doctor. 14 A. No, I'm getting treated for that plus once-a-month, 15 my once-a-month woman issue. 16 Q. Is the side issue separate from your female issue? 17 A. No, that's about the -- that's -- yeah, that's 18 separate. Because when I'm not on my time of the 19 month, for example, I hate to put my business out 20 there, I have side pains. And my side pains get 21 worse. 22 Q. And that's what you're getting the injections for? 23 A. I'm getting the injections for -- no, a personal 24 problem, woman problem. 25 Q. Okay. So let's separate the two then. The women</p>
<p style="text-align: right;">Page 235</p> <p>1 And I explain, I have a discussion personally, women 2 personally with Mrs. Vicki, my other doctor. So it's 3 an issue that I have to get treatment now to 4 eliminate inside my body which she said might come up 5 as stress sometimes. 6 So I'm going to be taking injections, you 7 know, every two, three months, every three months 8 involving this case, this personal case involving my 9 body once a month. But then I explained to one of my 10 doctors, Ms. Maisee, that, you know, I had issues 11 with fear whenever, you know, Griffin tried to fire 12 me. Fear came about, you know, and I would just 13 panic. So that's why she put me on those mental 14 health pills. 15 Q. Did you start treating with her while you were still 16 working for Amazon or after you were fired? 17 A. No, after I was fired. 18 Q. When you were not working for Amazon anymore did you 19 still experience fear? 20 A. I can't say, panic, fear. She said it's like anxiety 21 because of my situation of looking for work. 22 Q. Is there anything in particular that brings on your 23 anxiety or causes you greater anxiety? 24 A. Just thinking problems I have to solve, yeah, finding 25 work, income.</p>	<p style="text-align: right;">Page 237</p> <p>1 problem, the woman problem that you have that you're 2 getting the injections for, has doctor -- the doctor 3 you call Vicki or any other medical professional told 4 you that that was caused by what occurred at Amazon? 5 A. No. 6 Q. Do you contend that it is? 7 A. No. 8 Q. Okay. 9 A. Because I think the panic attacks started when I was 10 working at Amazon. 11 Q. They started while you were working at Amazon or 12 after you were fired from Amazon? 13 A. Actually, it started when I was working at Amazon, 14 when Mr. Griffin started giving me evaluations, 15 that's when I started panicking, being in fear the 16 second week. 17 Q. Of March, the second week of March? 18 A. Yeah, that would be like the second week in March. 19 Because the first week in Feb -- the last week in 20 February, right, he gave me a first evaluation. 21 Q. With regard to the side pain that you described, is 22 that something that you contend is caused by what 23 occurred at Amazon? 24 A. I don't know because I asked her, I asked one of my 25 doctors, Maisee, which is a licensed doctor, I asked</p>

<p style="text-align: right;">Page 238</p> <p>1 her about -- who prescribed me those mental health 2 pills, she asked about my pain, body pain. And I 3 told her, you know, I have side pains and I have 4 headaches at times and I, you know, that was going on 5 last year when I was at -- working. So I -- it's 6 possible in answer to your question, it could be yes. 7 But I don't know. But it could be.</p> <p>8 Q. Has any medical doctor told you that it is caused, 9 that your side pain was caused by what occurred at 10 Amazon?</p> <p>11 A. They did not, no.</p> <p>12 Q. Okay. So -- okay. Other than what you've already 13 told me then, have you experienced any other physical 14 or emotional suffering that you contend was due to 15 what occurred at Amazon?</p> <p>16 A. No.</p> <p>17 Q. Okay. Have you told me about all of the witnesses 18 you claim or people you claim would have knowledge 19 about your case to the extent you're able to identify 20 them?</p> <p>21 A. Yeah, I've told you all of them.</p> <p>22 Q. Have you told me truthfully today all of the facts on 23 which you base your claim of age discrimination 24 against Amazon?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 240</p> <p>1 were tweeting to Oprah Winfrey. 2 A. Yes. 3 Q. And why were you tweeting to Oprah Winfrey? 4 A. Because she's one of my favorite celebrities. 5 Q. Okay. It looks like on November 2nd you tweeted 6 twice to Oprah. One time you said: Oprah, I want 7 you to know that I thank you for telling any rich 8 man/woman you know to come to downtown Milwaukee to 9 meet me in Starbucks.</p> <p>10 A. Yeah.</p> <p>11 Q. And why did you tweet that to Oprah?</p> <p>12 A. Well, this was when I was -- this is another thing I 13 do on the side, I go and I have -- I will have to 14 seek to find people that have wealth in order to get 15 a investor for my future goals. It was just 16 something I was doing for my future goals.</p> <p>17 Q. So you were --</p> <p>18 A. And I was -- I always watched her show, and I know 19 that she always did things like that for people, 20 ordinary people, to go and match them up with someone 21 to be friends with that have wealth and then knows 22 about business.</p> <p>23 Q. So this was your way of reaching out to Oprah in 24 hopes that she would connect you --</p> <p>25 A. With and investor, yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 Q. I'm going to show you one more exhibit here today, 2 Ms. Timms. It's Exhibit 31 to your deposition. 3 (Exhibit 31 marked.)</p> <p>4 BY MS. FITZKE:</p> <p>5 Q. Do you have a Twitter account still?</p> <p>6 A. I do have a Twitter account.</p> <p>7 Q. And was your Twitter handle @TimmsAthena?</p> <p>8 A. Yes.</p> <p>9 Q. Do you still tweet?</p> <p>10 A. Yes, I -- no, I don't. I haven't been. But yes, if 11 I have time, I do.</p> <p>12 Q. It looks like at least in 2014 -- or excuse me, in 13 2013 through March of 2014 there were some tweets 14 that showed up on the internet. Have you been 15 tweeting since 2014?</p> <p>16 A. Yeah, I was doing this.</p> <p>17 Q. What's that?</p> <p>18 A. Yes.</p> <p>19 Q. You've tweeted more recently than 2014, than March of 20 2014?</p> <p>21 A. Oh, no, I haven't. No, I haven't.</p> <p>22 Q. In terms of the tweets that are identified here on 23 Exhibit 31, you sent these tweets?</p> <p>24 A. Yes, I did.</p> <p>25 Q. It looks like they're all to Oprah Winfrey, that you</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. Can I finish my question?</p> <p>2 A. I'm sorry.</p> <p>3 Q. So this was your way of reaching out to Oprah in 4 hopes that she would connect you with a rich person 5 that might want to fund your business venture, your 6 restaurant, for example?</p> <p>7 A. For future plans.</p> <p>8 Q. Or fast foot restaurant or future plans?</p> <p>9 A. Future plans, yeah.</p> <p>10 Q. Did you have future plans other than the ones that 11 you described for me to want to open a fast food 12 restaurant or to have a plant of some kind that maybe 13 produced baked goods?</p> <p>14 A. Yes. Other option, future plan I have is -- which 15 I'm also doing in terms of looking for work this 16 year, I'm going to be going -- excuse me. I'm going 17 to be contacting -- I have done it before one time 18 with them, Brookfield, Wisconsin, flip for houses 19 programs. So I'll be probably doing some of that, 20 flip for houses. That's another goal I'm reaching.</p> <p>21 Q. And then you tell Oprah, Oprah, on November 2nd: I 22 will not be going next Monday to my downtown 23 Milwaukee Starbucks outings because some things come 24 up and I have to do this month and December.</p> <p>25 A. What page?</p>

<p style="text-align: right;">Page 242</p> <p>1 Q. On page 3 of 4. 2 A. Okay. 3 Q. Do you see that tweet there? 4 A. I'm going -- because some things came up I have to do 5 some -- this was the year 2014 you found? 6 Q. It says November 2nd, 2013 right above that. 7 A. Yeah, 2013, yeah. 8 Q. So my question is had Oprah in some way gotten in 9 contact with you and told you she was going to send 10 rich people to you that might want to fund your 11 business venture? 12 A. Not then because I never went back -- I haven't been 13 looking at my Twitter account. 14 Q. So you were just letting her know just in case? 15 A. Yeah. Because I've done this because of the fact 16 that I used to watch her show a lot. She used to 17 help people out like this. One time on her show she 18 helped people out one time like this to hook them up 19 with people that were of wealthiness that could help 20 them reach their goal like open up their restaurant 21 or start their business. 22 And that's why I approached her because 23 she contacts back ordinary people, people who is not 24 famous or well known or rich. 25 Q. Did she ever contact you back?</p>	<p style="text-align: right;">Page 244</p> <p>1 A. Also the fact that once again, I want to stress they 2 keep refusing to build a plant here in Milwaukee. 3 And whenever I was working there, they always 4 mentioned that in our cafeteria meetings what their 5 future goals were of building plants to hire more 6 people. 7 So, you know, that's one thing that I know 8 for sure they're not going to ever do because I've 9 asked the head supervisors that know the owner or 10 founder of Amazon as well as who all is in charge of 11 building plants to bring in more jobs. They refuse 12 to come here to Milwaukee. And I feel that if I was 13 working here in Milwaukee in one of their plants, 14 none of this would -- I wouldn't be doing none of 15 this. I would have still been working with them. 16 Q. Okay. Do you think that the company has refused to 17 build a plant in Milwaukee because of you personally? 18 A. Not me personally. Not me personally. 19 Q. Are you aware of any other facts that support your 20 claims against the company other than what we've 21 talked about today? 22 A. Am I -- can you repeat the question again? 23 Q. Yup. We've talked about a lot of things. We've been 24 here for a long time today. I just want to know if 25 there is any other facts that you're aware of that</p>
<p style="text-align: right;">Page 243</p> <p>1 A. I don't know because I've never went back to my 2 account. I've never responded yet at -- go to the 3 reply section or whatever. I never did it. 4 Q. Okay. And you tweeted to Oprah that you've entered 5 the PCH Publishers Clearinghouse Sweepstakes? 6 A. Yeah, I did that. 7 Q. And were you hoping that Oprah would somehow help you 8 win the Publishers Clearinghouse? 9 A. Well, somewhat because there have been times she 10 helped people win sweepstakes on her show. So that's 11 just one thing I just did. 12 Q. And so like in hopes that she would bring you the 13 prize money? 14 A. No, that the Prize Patrol group would come. 15 Q. That the Prize Patrol would come because Oprah would 16 tell them to? 17 A. Yeah, because they usually do. She did that once to 18 a few people. But that was all, yeah. That was, 19 what, a few years ago, 2013, yeah. Ever since I've 20 been doing that, I haven't been on -- I haven't been 21 on Twitter. I haven't had time. 22 Q. Ms. Timms, are there any other facts that you're 23 aware of other than the things we've talked about 24 today that you claim support your claims against 25 Amazon?</p>	<p style="text-align: right;">Page 245</p> <p>1 you claim support your claim of age discrimination 2 against Amazon other than the things we've already 3 talked about? We don't need to repeat yourself. I 4 just want to make sure there is nothing else you're 5 thinking of. 6 A. No, I don't have anything else because I don't have 7 any physical documents. 8 Q. Okay. 9 MS. FITZKE: Ms. Timms, then I don't have 10 any other questions for you in your deposition here 11 today. Because you're not represented by an 12 attorney, I'm going to let you know that you have 13 the option to choose to read and sign your 14 deposition transcript. So you can get a copy of the 15 transcript and review it and make any necessary 16 corrections or you can waive that right and we'll 17 just accept the transcript as it's prepared by the 18 court reporter and assume that she got it all right. 19 They generally do a very good job of getting 20 everything we say. 21 THE WITNESS: Okay. 22 MS. FITZKE: So the only thing is that you 23 do need to let us know now on the record if you'd 24 like to review the transcript and read and sign it 25 or if you'd like to waive that right?</p>

1 THE WITNESS: So if I waive the right, can
 2 it be another day I have to -- I could go to the
 3 courthouse and look it up?

4 MS. FITZKE: You don't have to go anywhere
 5 either way. We'll make arrangements off the record
 6 to have it sent to your home so you don't have to go
 7 pick anything up. It's just a question of before
 8 the transcript is considered final, do you want the
 9 opportunity to review it and approve it or not
 10 approve it but review it and if you're timely about
 11 it, make changes, or do you want to waive that right
 12 and accept the transcript as it comes from the court
 13 reporter?

14 THE WITNESS: I would waive it. Waive it.

15 MS. FITZKE: So with that, we can go off
 16 the record. We're done.

17 (At 4:33 p.m., the deposition concluded.)

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1 C E R T I F I C A T E

2 STATE OF WISCONSIN)

) SS

3 MILWAUKEE COUNTY)

4 I, VICKY L. ST. GEORGE, Registered Merit
 5 Reporter and Notary Public in and for the State of
 6 Wisconsin, do hereby certify that the preceding deposition
 7 was recorded by me and reduced to writing under my
 8 personal direction.

9 I further certify that said deposition was
 10 taken at the offices of LITTLER MENDELSON, P.C., 111 East
 11 Kilbourn Avenue, Suite 1000, Milwaukee, Wisconsin on
 12 February 17, 2017, commencing at 10:00 a.m. and concluding
 13 at 4:33 p.m.

14 I further certify that I am not a relative or
 15 employee or attorney or counsel of any of the parties, or
 16 a relative or employee of such attorney or counsel, or
 17 financially interested directly or indirectly in this
 18 action.

19 In witness whereof, I have hereunto set my hand
 20 and affixed my seal of office at Milwaukee, Wisconsin,
 21 this 23rd day of February, 2017.

22

Vicky L. St. George

VICKY L. ST. GEORGE

24 Notary Public in and for the
 25 State of Wisconsin
 Commission Expires 1/29/2021